

Romanucci & Blandin, LLC

Antonio M. Romanucci

Bryce T. Hensley

321 North Clark Street

Suite 900

Chicago, IL 60654

312-458-1000

aromanucci@rblaw.net

bhensley@rblaw.net

Attorney No. 6190290

Excolo Law, PLLC

Keith Altman (*pro hac vice to be applied for*)

Solomon Radner (*pro hac vice to be applied for*)

26700 Lahser Road, Suite 401

Southfield, MI 48033

516-456-5885

kaltman@excololaw.com

sradner@excololaw.com

1-800-LAWFIRM

Ari Kresch (*pro hac vice to be applied for*)

26700 Lahser Road, Suite 401

Southfield, MI 48033

516-456-5885

800-LawFirm

akresch@1800lawfirm.com

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

Mandy Palmucci,

Case No:

Plaintiff,

-against-

**COMPLAINT FOR
DAMAGES**

TWITTER, INC., GOOGLE, LLC., and
FACEBOOK, INC.

Defendants.

JURY TRIAL DEMANDED

NOW COMES Plaintiff, by and through her attorneys, and alleges the following against Defendants Twitter, Inc., Google, Inc., and Facebook, Inc. (“Defendants”):

NATURE OF ACTION

1. This is an action for damages against Twitter, Google, and Facebook pursuant to the Antiterrorism Act, 18 U.S.C. § 2333 (“ATA”), as amended by the Justice Against Sponsors of Terrorism Act (“JASTA”), Pub. L. No. 114-222 (2016), for aiding, abetting, and knowingly providing support and resources to ISIS, the notorious designated foreign terrorist organization that carried out the November 13, 2015 terrorist attack in Paris that murdered 130 individuals and injured more than 400, including Mandy Palmucci.

2. The ATA’s civil remedies have served as an important means for enforcing the federal criminal anti-terrorism provisions since the early 1990s.

3. Congress enacted the ATA in October 1992 as a legal complement to criminal penalties against terrorists that kill or injure Americans abroad, specifically intending that the civil provisions would not only provide a mechanism for compensating victims of terror but also serve as an important means of depriving terrorists of financial resources to carry out attacks.

4. Following the bombing of the World Trade Center in New York by *al-Qaeda* in 1993, Congress targeted terrorist resources again by enacting 18 U.S.C. § 2339A in September 1994, making it a crime to provide material support or resources knowing or intending that they will be used in preparing or carrying out terrorist acts.

5. In April 1996, Congress further expanded the effort to cut off resources to terrorists by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide material support or resources to a designated foreign terrorist organization.

6. In the wake of the terror attacks on the United States by *al-Qaeda* of September 11, 2001 killing nearly 3,000 Americans, Congress amended the “material support” statutes, 18 U.S.C. §§ 2339A-B, via the PATRIOT Act in October 2001 and the Intelligence Reform and Terrorism Prevention Act of 2004, to impose greater criminal penalties for violating these statutes and to expand the definition of “material support or resources” prohibited thereby.

7. In September 2016, Congress amended the ATA’s civil provisions to recognize causes of action for aiding and abetting and conspiring with foreign terrorist organizations who plan, prepare, or carry out acts of international terrorism. The Justice Against Sponsors of Terrorism Act (“JASTA”), Public Law No: 114-222 (09/28/2016) states in relevant part:

Purpose.--The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.
(JASTA 2(b))

8. The terror attacks in this case were carried out by ISIS, a terrorist organization for years closely affiliated with *al-Qaeda*, but from which *al-Qaeda* separated as being too brutal and extreme.

9. Known at various times as “The al-Zarqawi Network,” “*al-Qaida* in Iraq,” “The Islamic State in Iraq,” “ISIL,” and other official and unofficial names, ISIS has been a designated Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189 (“INI”), since October 2004.

10. By the time of the terror attacks in this case, ISIS had become one of the largest and most widely-recognized and feared terrorist organizations in the world.

11. The expansion and success of ISIS is in large part due to its use of the Defendants’ social media platforms to promote and carry out its terrorist activities.

12. For years, Defendants have knowingly and recklessly provided the terrorist group ISIS with accounts to use its social networks as a tool for spreading extremist propaganda, raising funds, and attracting new recruits. This material support has been instrumental to the rise of ISIS and has enabled it to carry out or cause to be carried out, numerous terrorist attacks, including the November 13, 2015 Paris terror attacks where 130 people were killed, and more than 400 people were seriously injured, including Mandy Palmucci.

13. Without Defendants Twitter, Facebook, and Google (YouTube), the explosive growth of ISIS over the last few years into the most feared terrorist group in the world would not have been possible. According to the Brookings Institution, ISIS “has exploited social media, most notoriously Twitter, to send its propaganda and messaging out to the world and to draw in people vulnerable to radicalization.”¹ Using Defendants’ sites, “ISIS has been able to exert an outsized impact on how the world perceives it, by disseminating images of graphic violence (including the beheading of Western journalists and aid workers) . . . while using social media to attract new recruits and inspire lone actor attacks.” According to former FBI Director James Comey, ISIS has perfected its use of Defendants’ sites to inspire small-scale individual attacks, “to crowdsource terrorism” and “to sell murder.”

14. Since first appearing on Twitter in 2010, ISIS accounts on Twitter have grown at an astonishing rate and, until recently, ISIS maintained official accounts on Twitter unfettered. These official accounts included media outlets, regional hubs and well-known ISIS members, some with tens of thousands of followers. For example, Al-Furqan, ISIS’s official media wing responsible for producing ISIS’s multimedia propaganda, maintained a dedicated Twitter page where it posted

¹ <https://www.brookings.edu/blog/markaz/2015/11/09/how-terrorists-recruit-online-and-how-to-stop-it/>

messages from ISIS leadership as well as videos and images of beheadings and other brutal forms of executions to 19,000 followers.

15. Likewise, Al-Hayat Media Center, ISIS's official public relations group, maintained at least a half dozen accounts, emphasizing the recruitment of Westerners. As of June 2014, Al-Hayat had nearly 20,000 followers.

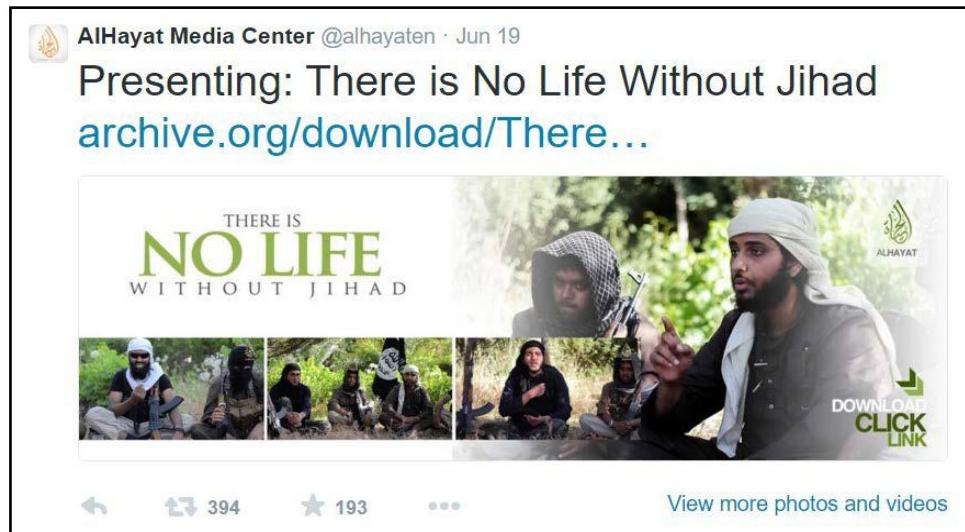


Figure 1 Tweet by Al-Hayat Media Center Account @alhayaten Promoting an ISIS Recruitment Video

16. Another Twitter account, @ISIS_Media_Hub, had 8,954 followers as of September 2014.



Figure 2 ISIS Propaganda Posted on @ISIS_Media_Hub

17. As of December 2014, ISIS had an estimated 70,000 Twitter accounts, at least 79 of which were "official," and it posted at least 90 tweets every minute.

18. As with Twitter, ISIS has used Google (YouTube) and Facebook in a similar manner.

19. ISIS, in particular, embraced and used Google's YouTube platform and services as a powerful tool for terrorism.

20. Google's YouTube media platform and services provide tremendous utility and value to ISIS as a tool to connect its members and to facilitate the terrorist group's ability to communicate, recruit members, plan and carry out attacks, and strike fear in its enemies.

21. Google's services have played a uniquely essential role in the development of ISIS's image, its success in recruiting members from around the world, and its ability to carry out attacks and intimidate its enemies.

22. For example, ISIS uses Google's YouTube platform and services to distribute high-production-quality videos, images, and recordings that make it appear more sophisticated, established, and invincible.

23. ISIS has used YouTube to cultivate and maintain an image of brutality, to instill greater fear and intimidation, and to appear unstoppable, by disseminating videos and images of numerous beheadings and other brutal killings, including setting captives on fire, blowing them up with explosives, slowly lowering them in a cage underwater to drown, and more.

24. In this case, ISIS used Defendants' platforms to specifically threaten France that it would be attacked for participating in a coalition of nations against ISIS, to celebrate smaller attacks leading up to these major attacks, and to transform the operational leaders of the Paris attacks into "celebrity" among jihadi terrorists in the year leading up to the Paris attacks via videos featuring ISIS exploits in Syria, France and Belgium.

25. ISIS also used Defendants' platforms to celebrate the Paris attacks, to intensify the intimidation of the attacks, and to claim credit for the attacks.

26. For years, ISIS and its affiliated media production and distribution networks openly maintained and used official Twitter, YouTube, and Facebook accounts with little or no interference. Despite extensive media coverage, complaints, legal warnings, petitions, congressional hearings, and other attention for providing its online social media platforms and communications services to ISIS, prior to the Paris attacks Defendants continued to provide these resources and services to ISIS and its affiliates, refusing to actively identify ISIS Twitter, YouTube, and Facebook accounts, and only reviewing accounts reported by other social media users.

27. Defendants knowingly provided material support and resources to ISIS in the form of Twitter, Facebook, and Google's YouTube platforms and other services, as well as by making personnel available to ISIS.

28. ISIS used and relied on Twitter, Facebook, and YouTube as among its most important tools to facilitate and carry out its terrorist activity, including the terrorist attacks in which ISIS murdered 130 individuals and injured Mandy Palmucci.

29. By providing its social media platforms and other online services and personnel to ISIS, Defendants violated the federal prohibitions on providing material support or resources for acts of international terrorism (18 U.S.C. § 2339A) and providing material support or resources to designated foreign terrorist organizations (18 U.S.C. § 2339B); aided and abetted and conspired with a designated FTO in the commission of acts of international terrorism as defined by 18 U.S.C. § 2331; and committed acts of international terrorism as defined by 18 U.S.C. § 2331. Accordingly, Defendants are liable pursuant to 18 U.S.C. § 2333 to the Plaintiff, who was injured by reason of acts of international terrorism.

30. Plaintiff's claims are based not upon the content of ISIS's social media postings, but upon Defendants' provision of the infrastructure which provides material support to ISIS.

31. Furthermore, Defendants profit from ISIS by placing ads on ISIS's postings. For at least one of the Defendants, Google, revenue earned from advertising is shared with ISIS.

32. Lastly, Defendants incorporate ISIS's postings to create unique content by combining the ISIS postings with advertisements selected by Defendants based upon ISIS's postings and the viewer looking at the postings and the advertisements.

THE PARTIES

A. The Plaintiff

33. Plaintiff Mandy Palmucci is a citizen of Illinois domiciled in Illinois. Mandy Palmucci is a citizen of the United States.

B. The Defendants

34. Defendant Twitter, Inc. ("Twitter") is a publicly traded U.S. company incorporated in Delaware, with its principal place of business at 1355 Market Street, Suite 900, San Francisco, California 94103.

35. Defendant Facebook, Inc. ("Facebook") is a publicly traded U.S. company incorporated in Delaware, with its principal place of business at 1601 Willow Road, Menlo Park, California, 94025.

36. Defendant Google, LLC. ("Google") is a limited liability corporation organized under the laws of Delaware, with its principal place of business at 1600 Amphitheatre Parkway, Mountain View, California, 94043. Google owns and operates YouTube. For the purposes of this complaint, Google and YouTube are used interchangeably.

JURISDICTION AND VENUE

37. Defendants are subject to the jurisdiction of this Court. Defendants are at home in the United States because they are Delaware corporations with principal places of business in California. Defendants may be found in this District and have an agent in this District.

38. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 18 U.S.C. §§ 2333 and 2334, as this is a civil action brought by nationals of the United States who have been killed or injured by reason of acts of international terrorism, and/or their estates, survivors, and heirs.

39. Venue is proper in this district pursuant to 18 U.S.C. § 2334(a). Plaintiff is a resident of this District.

FACTUAL ALLEGATIONS

I. LEGAL BACKGROUND: ANTITERRORISM LEGISLATION

A. The Antiterrorism Act (“ATA”)

40. In the 1980's, terrorist groups carried out a number of major terror attacks around the world, killing and injuring many Americans abroad.

41. Among these terror attacks were:

- a. The April 1983 suicide bombing of the U.S. Embassy in Beirut, Lebanon, killing 63 people, including 17 Americans;
- b. The October 1983 suicide bombing of U.S. Marine barracks in Beirut, Lebanon, killing 241 U.S. Marines and injuring more than 100;
- c. The December 1983 terrorist bombings of the U.S. Embassy and the residential quarters of American company Raytheon in Kuwait;
- d. The September 1984 terrorist bombing of a U.S. Embassy annex northeast of Beirut, Lebanon;
- e. The June 1985 hijacking of TWA flight 847;
- f. The October 1985 hijacking of the Achille Lauro cruise ship and murder of wheelchair-bound American Leon Klinghoffer; and
- g. The December 1985 terrorist bombings of the Rome and Vienna airports.

42. In response to these attacks, Congress in 1986 amended the U.S. Criminal Code, Title 18, Part I, to add a new chapter titled, “Extraterritorial Jurisdiction Over Terrorist Acts Abroad Against United States Nationals.”

43. This new chapter contained a new section titled, “Terrorist acts abroad against United States nationals,” providing criminal penalties for killing, conspiring, or attempting to kill a national of the United States, or engaging in physical violence with the intent to cause serious bodily injury to a national of the United States or that results in serious bodily injury to a national of the United States.

44. In addition, Congress later enacted the ATA, which established a private cause of action for U.S. nationals injured by acts of international terrorism, as a legal complement to the criminal penalties against terrorists that kill or injure Americans abroad.

45. In enacting the ATA, Congress specifically intended that the civil cause of action would not only provide a mechanism for compensating victims of terror, but also serve as an important means of depriving terrorists of financial resources to carry out attacks.

46. As the ATA was being considered in Congress, the State Department’s Deputy Legal Advisor, Alan J. Kreczko, testified before the Senate Judiciary Committee’s Subcommittee on Courts and Administrative Practice that this proposed bill “will add to the arsenal of legal tools that can be used against those who commit acts of terrorism against United States citizens abroad.”²

47. The Deputy Legal Advisor also testified:

“[T]his bill will provide general jurisdiction to our federal courts and a cause of action for cases in which an American has been injured by an act of terrorism overseas.

² “Statement of Alan J. Kreczko, Deputy Legal Adviser, On S. 2465: A bill to provide a new civil cause of action in federal court for terrorist acts abroad against United States nationals,” Before the Subcommittee on Courts and Administrative Practice of the Senate Judiciary Committee (July 25, 1990), <https://www.state.gov/documents/organization/28458.pdf>.

We view this bill as a welcome addition to the growing web of law we are weaving against terrorists. . . . The existence of such a cause of action . . . may deter terrorist groups from maintaining assets in the United States, from benefiting from investments in the U.S. and from soliciting funds within the U.S. In addition, other countries may follow our lead and implement complimentary national measures, thereby increasing obstacles to terrorist operations.

Moreover, the bill may be useful in situations in which the rules of evidence or standards of proof preclude the U.S. government from effectively prosecuting a criminal case in U.S. Courts. Because a different evidentiary standard is involved in a civil suit, the bill may provide another vehicle for ensuring that terrorists do not escape justice.”³

48. Likewise, Senator Grassley, one of the sponsors of the bill, explained a purpose of ATA’s civil cause of action as follows:

“The United States must take a strong stand against terrorism. The Department of State testified that this bill would add to the arsenal of legal tools that can be used against those who commit acts of terrorism against U.S. citizens abroad.

...
Now is the time for action. Now is the time to strengthen our ability to both deter and punish acts of terrorism.

We must make it clear that terrorists’ assets are not welcome in our country. And if they are found, terrorists will be held accountable where it hurts them most: at their lifeline, their funds.”⁴

49. In July 1992, a Senate Committee Report explained that the ATA’s treble damages provision “would interrupt, or at least imperil, the flow of money” to terrorist organizations.⁵

50. In October 1992, Congress enacted ATA’s civil provisions, including 18 U.S.C. § 2333.

B. The “Material Support” Statutes and Regulations

³ *Id.*

⁴ 136 Cong. Rec. 26716-26717 (Oct. 1, 1990), <https://www.gpo.gov/fdsys/pkg/GPO-CRECB-1990-pt19/pdf/GPO-CRECB-1990-pt19-1.pdf>.

⁵ S. Rep. No. 102-342 at 22 (1992).

51. On February 26, 1993, a group of *al-Qaeda* terrorists detonated a truck bomb under the North Tower of the World Trade Center in New York City, attempting to cause the collapse of both towers and the death of thousands of Americans.

52. Although the damage from the World Trade Center bombing was limited, it nevertheless killed six people and injured more than one thousand.

53. In response, Congress again took aim at the resources available to terrorists in September 1994 and enacted 18 U.S.C. § 2339A, making it a crime to provide material support or resources to terrorists, knowing or intending that they would be used for terrorist acts.

54. In April 1996, Congress expanded the prohibition of providing material support or resources to terrorists by enacting 18 U.S.C. § 2339B, making it a crime to knowingly provide material support or resources to a designated foreign terrorist organization, without regard to how such support or resources will be used.

55. On the morning of September 11, 2001, several teams of *al-Qaeda* operatives carried out terrorist hijackings of civilian aircraft in the United States with the purpose of crashing them into various targets, causing enormous damage and mass murder (the “9/11 Attacks”).

56. In the course of the 9/11 Attacks, *al-Qaeda* terrorists crashed two aircraft into the World Trade Center towers, causing the fiery collapse of both towers, a third aircraft was crashed into the U.S. military headquarters known as the Pentagon, and a fourth aircraft was crashed into a field.

57. The 9/11 Attacks killed nearly 3,000 people and injured more than 6,000 others, and caused more than \$10 billion in damage to property.

58. On September 23, 2001, in response to the 9/11 Attacks, President George W. Bush issued Executive Order No. 13224 pursuant to the International Emergency Economic Powers Act, 50 U.S.C. §§ 1701 *et seq.* (“IEEPA”).

59. In Executive Order No. 13224, President Bush found that “grave acts of terrorism and threats of terrorism committed by foreign terrorists . . . and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States,” and he declared a national emergency to deal with such threats.

60. Executive Order No. 13224 legally blocked all property and interests in property of “Specially Designated Global Terrorists” (“SDGTs”), prohibited the provision of funds, goods, or services for the benefit of SDGTs, and authorized the U.S. Treasury to block the assets of individuals and entities that provide support, services, or assistance to, or otherwise associate with, SDGTs, as well as their subsidiaries, front organizations, agents, and associates.

61. Executive Order No. 13224’s prohibitions remain in effect.

62. Under the IEEPA, violation of Executive Order No. 13224 is a federal criminal offense. *See* 50 U.S.C. § 1705.

63. In the wake of the 9/11 Attacks, Congress passed the “PATRIOT Act” in October 2001 and the “Intelligence Reform and Terrorism Prevention Act of 2004,” which amended the “material support” statutes, 18 U.S.C. §§ 2339A-B, to increase the criminal penalties for violating these statutes and to expand the definition of “material support or resources” prohibited thereby.

C. The Justice Against Sponsors of Terrorism Act (“JASTA”)

64. In September 2016, Congress enacted JASTA, which amended the ATA’s civil provisions to recognize causes of action for aiding and abetting and conspiring with foreign terrorist organizations who plan, prepare, or carry out acts of international terrorism.

65. In enacting JASTA, Congress made a number of specific findings, including the following:

“Persons, entities, or countries that knowingly or recklessly contribute material support or resources, directly or indirectly, to persons or

organizations that pose a significant risk of committing acts of terrorism that threaten the security of nationals of the United States or the national security, foreign policy, or economy of the United States, necessarily direct their conduct at the United States, and should reasonably anticipate being brought to court in the United States to answer for such activities.”⁶

66. Congress also specifically stated that the purpose of JASTA as follows:

“Purpose.--The purpose of this Act is to provide civil litigants with the broadest possible basis, consistent with the Constitution of the United States, to seek relief against persons, entities, and foreign countries, wherever acting and wherever they may be found, that have provided material support, directly or indirectly, to foreign organizations or persons that engage in terrorist activities against the United States.”⁷

II. ISIS: A DESIGNATED FOREIGN TERRORIST ORGANIZATION

A. Al-Zarqawi and the Internet as a New Weapon in the Global Terrorist’s Arsenal

67. In the late 1980’s, Abu Musab al-Zarqawi (“al-Zarqawi”) left his native Jordan and traveled briefly to Afghanistan to join radical Islamists fighting against Soviet forces at that time.

68. When he returned to Jordan, al-Zarqawi adopted a goal of overthrowing the Jordanian monarchy and establishing an Islamic state in Jordan and formed a local radical Islamist group called *Jund al-Sham*.

69. In 1992, when a cache of guns and explosives were discovered in his home, al-Zarqawi was arrested and imprisoned in Jordan.

70. After his release from prison in 1999, al-Zarqawi returned to Afghanistan, where he met with *al-Qaeda* leader Osama Bin-Laden (“Bin-Laden”) and reportedly received \$200,000 in “seed money” from Bin-Laden to establish a *jihadi* training camp near the border of Iran.

⁶ JASTA § 2(a)(6).

⁷ JASTA § 2(b).

71. Al-Zarqawi soon formed a new radical Islamist terrorist group called “*Jam’at al Tawhid wa ’al-Jihad*” (“The Monotheism and Jihad Group”), popularly known as “*al-Tawhid*” or “The Zarqawi Network.”

72. The following is a picture of al-Zarqawi and the *al-Tawhid* flag:



Figure 3 al-Zarqawi



Figure 4 al-Tawhid flag

73. On September 23, 2003, the U.S. Treasury designated al-Zarqawi as a Specially Designated Global Terrorist (“SDGT”) pursuant to Executive Order No. 13224.

74. Al-Zarqawi’s *al-Tawhid* was based upon a vision of Sunni Islamist eschatology in which violent attacks on non-believers, heretics, and apostates are not only justified but religiously mandated.

75. Al-Zarqawi taught that these attacks would lead to the establishment of an Islamic state and accelerate a global apocalyptic battle in which Islam would ultimately triumph and govern the world.

76. Al-Zarqawi’s successors, including the “Islamic State” today, maintain al-Zarqawi’s vision of Islam, teaching that true Muslims have an obligation to engage in *jihad* (“holy war”), using intimidation, violence, and killing to establish Sunni Islamic dominance.

77. At the beginning of 2004, Osama bin Laden's terrorist organization *al-Qaeda*—having carried out the 9/11 Attacks on the United States—was still the dominant symbol of global terrorism.

78. In January 2004, al-Zarqawi reportedly sought to be officially recognized by bin-Laden as part of *al-Qaeda*'s global *jihadi* movement, but without success.

79. Over the course of 2004, al-Zarqawi began to use the Internet to promote his particularly savage form of *jihad* and gain widespread notoriety.

80. While al-Zarqawi was not the first to use the Internet to promote and engage in *jihad*, he is known as a figure who embraced internet technology and communication to promote terrorism, taking terror on the internet to a new level.

81. Al-Zarqawi combined shocking images of graphic violence and cruelty with the Internet to fashion a new psychological weapon in the service of terrorism.

82. Terrorism analyst Rita Katz, director of the SITE Intelligence Group, explained: “While Osama bin Laden traditionally relied on Al Jazeera [satellite television] and the media to disseminate his propaganda, Zarqawi went straight to the internet, which enabled him to produce graphic videos that would never have been shown on the mainstream media.”⁸

83. For example, on May 11, 2004, al-Zarqawi’s group posted a link on the *jihadi* internet website forum “*Muntada al-Ansar al-Islami*” (“Forum of the Islamic Supporters”) (“*al-Ansar*”) to a grainy five-and-a-half-minute video titled, “Sheikh Abu Musab Al-Zarqawi slaughters an American infidel with his own hands” (the “Berg Video”).

84. The Berg Video showed five hooded terrorists dressed in black standing behind abducted Jewish-American businessman Nicholas Berg, who was sitting and dressed in an orange

⁸ Scott Shane, “Web Used As Tool of Terror,” *Sun Sentinel* (June 9, 2006), http://articles.sun-sentinel.com/2006-06-09/news/0606081728_1_al-zarqawi-al-jazeera-rita-katz.

jumpsuit (reminiscent of the orange prison uniforms worn by captured terrorists held by the U.S. at Guantanamo Bay).

85. The following is a screen clip from the Berg Video:



Figure 5 Clip From Video of Murder of Nicholas Berg

86. The Berg Video next showed one of the hooded men (presumed to be al-Zarqawi) read a statement condemning reported abuse of security prisoners at the Iraqi Abu Ghraib prison, after which he pulled a knife from his shirt, stepped forward, and sawed off Berg's head.

87. The *al-Ansar* internet forum quickly crashed due to the volume of traffic and attempted downloads of the Berg Video from the site.

88. Nevertheless, before the website crashed, forum members copied the Berg Video from the *al-Ansar* forum to other sites and it was thus downloaded thousands of times and still circulates on the internet today.

89. Despite the relatively low quality of the Berg Video and the technical difficulties involved in its distribution, The Atlantic magazine later reported: "With the slash of a knife, al-Zarqawi had pulled off the most successful online terrorist PR campaign ever . . . Al-Zarqawi's success was possible because he had anticipated the importance of the Internet—an increasingly important weapon in the global terrorist arsenal."⁹

⁹ Nadya Labi, "Jihad 2.0," *The Atlantic* (July/August 2006), <http://www.theatlantic.com/magazine/archive/2006/07/jihad-20/304980/>.

90. Following the Berg Video, in June 2004 al-Zarqawi released the first part of a full hour-long propaganda video titled, “The Winds of Victory.”

91. The “Winds of Victory” video opened with the nighttime bombing of the city of Baghdad by U.S. forces while mocking captions flashed the words “Democracy” and “Freedom” in Arabic across the screen.

92. The nighttime bombing was then contrasted with graphic scenes in full daylight of mutilated Iraqi children ostensibly injured by the attacks, and pictures showing abuse of Iraqi captives held by American soldiers at Abu Ghraib prison.

93. The “Winds of Victory” also featured foreign *jihadi* members from Kuwait, Saudi Arabia, Libya, and other places, reading their wills in preparation for suicide missions, followed by footage of their bombing attacks, often from multiple angles.

94. As the release of “The Winds of Victory” preceded the development of YouTube, al-Zarqawi’s group did not have the internet capability to mass-distribute a single 90-megabyte video file, so the hour-long video had to be broken into chapters and released on internet *jihadi* forums piecemeal over the course of several weeks.

95. In the months to come, al-Zarqawi and his followers continued to carry out and record more beheadings of foreign captives and post videos of these murderous atrocities on *jihadi* internet forums.

96. Among the videos posted on *jihadi* internet forums of al-Zarqawi and his followers beheading foreign captives in 2004 were the following:

- a. Kim Sun-il, a South Korean interpreter and Christian missionary, beheaded in June 2004;
- b. Georgi Lazov, a Bulgarian truck driver, beheaded in July 2004;
- c. Mohammed Mutawalli, an Egyptian citizen, beheaded in August 2004;

- d. Twelve Nepali citizens murdered on video, one was beheaded and the others were shot, in August 2004;
- e. Eugene Armstrong, a U.S. construction contractor, beheaded in September 2004;
- f. Jack Hensley, a U.S. construction contractor, beheaded in September 2004;
- g. Kenneth Bigly, a British civil engineer, beheaded in October 2004; and
- h. Shosei Koda, a Japanese tourist, beheaded in October 2004.

97. On October 15, 2004, the U.S. Government designated al-Zarqawi's terrorist group *al-Tawid* as a "specially designated global terrorist" ("SDGT") pursuant to Executive Order 13224, and as a designated "foreign terrorist organization" ("FTO") pursuant to § 219 of the INA, 8 U.S.C. § 1189.

98. These SDGT and FTO designations have been updated from time to time to include ISIS's various names and aliases including, among others, "*al-Qaeda in Iraq*," "The Islamic State of Iraq," "The Islamic State of Iraq and Syria," and "The Islamic State," and remain in effect today.

99. Al-Zarqawi's innovative—yet relatively low-tech—use of the internet to broadcast his *jihadi* message together with graphic videos of beheadings and suicide bombings catapulted him to a new prominence.

100. According to BBC Security Correspondent Gordon Corera, "[o]ver the summer of 2004 with Osama bin Laden yet to appear and Zarqawi carrying out increasingly bloody and high profile attacks, some began to question whether Zarqawi was beginning to rival or even succeed bin Laden."¹⁰

¹⁰ Gordon Corera, "Unraveling Zarqawi's al-Qaeda Connection," *Terrorism Monitor*, Vol. 2, Issue 24 (The Jamestown Foundation, Dec. 15, 2004), http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=27306&tx_ttnews%5BbackPid%5D=179&no_cache=1#.V49QsjXdlrZ.

(footnote continued)

101. Corera explained that, even though al-Zarqawi's terrorist group was estimated to have only between 50 to 500 members at this time, "they exercise[d] an exaggerated degree of influence due to their coupling of extreme violence with an acute understanding of the power of the media."¹¹

102. Al-Zarqawi becomes a figure *al-Qaeda* could not ignore: according to terrorism analyst Aaron Y. Zelin, founder of Jihadology.net, not only did bin-Laden not want to be "outdone" by al-Zarqawi, "bin-Laden himself wanted to 'own' the Iraq jihad as well as remain relevant while hiding from the United States."¹²

103. In late 2004, al-Zarqawi finally received the official recognition he sought: on October 17, 2004, al-Zarqawi declared allegiance to bin-Laden in an official online statement, and *al-Qaeda* accepted and publicized al-Zarqawi's oath to bin-Laden in its online magazine *Mu'askar al-Battar* on October 25, 2004.

104. On December 27, 2004, Al Jazeera television broadcast an audiotape of bin-Laden calling al-Zarqawi "the prince of al Qaeda in Iraq" and asking "all our organization brethren to listen to him and obey him in his good deeds."¹³

105. Al-Zarqawi changed his group's name to "*Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn*" ("Organization of Jihad's Base in the Land of Two Rivers [Iraq]"), and it became commonly known as "*al-Qaeda* in Iraq" ("AQI").

106. The following is a picture of the AQI flag:

¹¹ *Id.*

¹² Aaron Y. Zelin, "The War between ISIS and al-Qaeda for Supremacy of the Global Jihadist Movement," *The Washington Institute for Near East Policy* (June 2014), http://www.washingtoninstitute.org/uploads/Documents/pubs/ResearchNote_20_Zelin.pdf.

¹³ "Purported bin Laden tape endorses al-Zarqawi," CNN (Dec. 27, 2004), <http://edition.cnn.com/2004/WORLD/meast/12/27/binladen.tape/>.



Figure 6 AQI Flag

107. The official connection with *al-Qaeda* not only provided al-Zarqawi with greater legitimacy among *jihadi* terrorists, it also gave him essential tangible resources, including access to *al-Qaeda*'s important private donors and recruitment, logistics, and facilitation networks.

108. By mid-2005, Lt. General David Petraeus assessed that al-Zarqawi had indeed attained “an international name ‘of enormous symbolic importance’ . . . on a par with bin-Laden, largely because of his group’s proficiency at publicizing him on the Internet.”¹⁴

109. However, al-Zarqawi’s notoriety was not without cost: on June 7, 2006, Al-Zarqawi was targeted and killed by a U.S. airstrike.

B. AQI Rebrands Itself as the Islamic State of Iraq

110. Prior to Al-Zarqawi’s death, AQI and allied groups in Iraq joined together to create a “Mujahideen Shura Council.”

111. In October 2006, after al-Zarqawi’s death, the Mujahideen Shura Council released a video declaring the establishment of what it called “The Islamic State of Iraq” (“*ad-Dawlah al-‘Iraq al-Islamiyah*”) (“ISI”).

112. Although the video of the announcement of ISI was originally posted on *jihadi* website forums, in December 2006 ISI supporters posted the video on YouTube.

¹⁴ Susan B. Glasser and Steve Coll, “The Web as Weapon,” *The Washington Post* (Aug. 9, 2005), <http://www.washingtonpost.com/wp-dyn/content/article/2005/08/08/AR2005080801018.html>.

113. The following are screen clips from the video posted on YouTube with English subtitles:



Figure 7 Scene from ISIS Video



Figure 8 Scene from ISIS Video

114. The United States and its allies, nevertheless, generally continued to call the group “*al-Qaeda in Iraq*” or AQI.

115. Although ISI’s reach was still limited, its goal was to take control of the western and central areas of Iraq and turn it into a Sunni Islamic religious state.

116. The following is a picture of the ISI flag (which also remains the flag of ISIS):



Figure 9 ISIS Flag

C. ISI Expands into Syria to Become ISIS

117. On May 16, 2010, ISI announced Abu Bakr al-Baghdadi (“Abu Bakr”) as its new leader.

118. On April 8, 2013, Abu Bakr announced that ISI had been responsible for secretly establishing and supporting an Islamist militant group known as “*al-Nusra*” in neighboring Syria since August 2011.

119. In his announcement, Abu Bakr declared that ISI and *al-Nusra* were now officially merged under the name “*ad-Dawlah al-Islamiyah fil-‘Iraq wash-Sham*” (“The Islamic State of Iraq and Syria” or “ISIS”¹⁵).

120. The Syrian leader of *al-Nusra* rejected Abu Bakr’s merger announcement, but many *al-Nusra* members, particularly those who were foreign-born, shifted their allegiance to ISIS.

121. ISIS took advantage of this shift to establish a substantial official presence in Syria almost overnight, and to take control of additional Syrian areas in the following months, including the northeastern Syrian city of Raqqa, which ISIS declared as its capital.

122. ISIS imposed its own strict *sharia* (Islamic law) on Raqqa’s 220,000 inhabitants and declared members of other Muslim sects in the city to be infidels.

123. ISIS jailed, maimed, or killed its opponents in the city of Raqqa, or those whom ISIS accused of engaging in activities ISIS considered anti-Islamic.

124. ISIS subjugated the city of Raqqa through terror and fear, with its members patrolling the city wearing explosive suicide vests, killing, beheading, and crucifying some of its victims and leaving their remains in the public square.

¹⁵ The Arabic “*al-Sham*” can be understood as either Syria or the Levant, the latter being an historically broader term. The English acronyms “ISIS” and “ISIL” have thus both been used to identify the same terrorist organization depending upon translation. ISIS is also known (primarily by its detractors) as “DAESH,” an acronym based upon its Arabic name.

125. Ultimately, ISIS's extreme brutality and ruthlessness even led *al-Qaeda*'s leader Ayman al-Zawahiri (who succeeded Osama bin-Laden) to disavow ISIS.

126. On February 3, 2014, al-Zawahiri declared that *al-Qaeda* had cut all ties with ISIS.

D. ISIS Proclaims an Islamic Caliphate on YouTube and Expands its Reach of Terror

127. On June 29, 2014, ISIS used YouTube to post a video titled "The End of Sykes-Picot," in which ISIS announced that it would annul the Sykes-Picot Agreement that had served as the basis for the nation-states of the Middle East, and shatter all the borders to form a single Islamic state.

128. The following is a screen clip from the ISIS video "The End of Sykes-Picot":

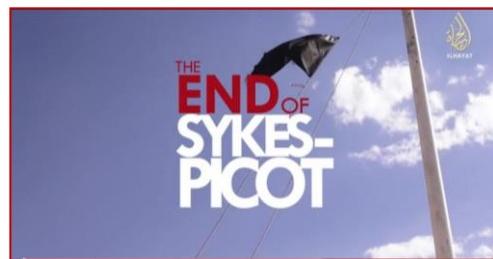


Figure 10 Scene from ISIS Video "The End of Sykes-Picot"

129. Also on June 29, 2014, ISIS used YouTube to post an audio message titled "This is the Promise of Allah," in which ISIS spokesman Abu Muhammad al-Adnani declared the establishment of ISIS as a worldwide "Islamic Caliphate"¹⁶—an Islamic religious state to which all Muslims must submit and pledge fealty—with Abu Bakr as its "Caliph" (ruler).

130. The following is an ISIS graphic promoting the video "This is the Promise of Allah":

¹⁶ At this time, ISIS shortened its name to *ad-Dawlah al-Islamiyah* ("The Islamic State" or "IS"). For the sake of simplicity, the more commonly used name ISIS is used in this Complaint.



Figure 11 ISIS Graphic "This is the Promise of Allah"

131. ISIS has claimed that it is destined to establish its rule worldwide.
132. Several smaller Islamist terrorist groups have taken control of territory within other countries and areas, including Libya, Yemen, and the Sinai Peninsula, and have claimed such territories to be “provinces” of the ISIS Caliphate.

E. Official Terrorist Designations of ISIS

133. Not only have ISIS’s claims of statehood and sovereignty been rejected by countries worldwide, ISIS has been officially designated as a terrorist organization by the United Nations, the European Union, and numerous governments around the world, including the United States, Britain, Australia, Canada, Turkey, Saudi Arabia, Indonesia, the United Arab Emirates, Malaysia, Egypt, India, Russia, Kyrgyzstan, Syria, Jordan, and Pakistan.

134. Since October 15, 2004 and still today, ISIS is a designated foreign terrorist organization (“FTO”) pursuant to § 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

135. Knowingly providing material support or resources to ISIS, a designated FTO, is a federal criminal offense under 18 U.S.C. § 2339B.

136. Since October 15, 2004, and still today, ISIS is a specially designated global terrorist (“SDGT”) under Executive Order No. 13224.

137. Federal law prohibits “making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any [SDGT],” including ISIS, and a violation of these prohibitions is a federal criminal offense. 31 C.F.R. § 594.204; 50 U.S.C. § 1705.

III. ISIS'S EXTENSIVE USE OF DEFENDANTS' SERVICES

A. ISIS is Dependent on Twitter, Facebook, and YouTube to Terrorize: ISIS Uses Defendants to Recruit New Terrorists.

138. One of ISIS's primary uses of Defendants' sites is a recruitment platform, particularly to draw fighters from Western countries.

139. ISIS reaches potential recruits by maintaining accounts on Twitter, Facebook, and YouTube so that individuals across the globe may reach out to them directly. After the first contact, potential recruits and ISIS recruiters often communicate via Defendants' Direct Messaging capabilities. According to former FBI Director James Comey, “[o]ne of the challenges in facing this hydra-headed monster is that if (ISIS) finds someone online, someone who might be willing to travel or kill in place they will begin a Twitter direct messaging contact.” Indeed, according to the Brookings Institution, some ISIS members “use Twitter purely for private messaging or covert signaling.”

140. In addition to individual recruitment, ISIS members use Defendants to post instructional guidelines and promotional videos referred to as “mujatweets.”

141. For example, in June 2014, ISIS fighters tweeted guidelines in English targeting Westerners and instructing them on how to travel to the Middle East to join its fight.

142. That same month, ISIS posted a recruitment video on various social media sites, including Defendants. Although YouTube removed the video from its site, the link remained available for download from Twitter. The video was further promoted through retweets by accounts associated with ISIS.

143. ISIS also posted its notorious promotional training video, “Flames of War,” narrated in English, in September 2014. The video was widely distributed on Twitter through ISIS sympathizers. After joining ISIS, new recruits become propaganda tools themselves, using Defendants to advertise their membership and terrorist activities.

144. For example, in May 2013, a British citizen who publicly identified himself as an ISIS supporter tweeted about his touchdown in Turkey before crossing the border into Syria to join ISIS in the fight against the Syrian regime. And in December 2013, the first Saudi Arabian female suicide bomber to join ISIS in Syria tweeted her intent to become a martyr for the ISIS cause, as she embarked for Syria.

145. As another example, two Tunisian girls, ages 19 and 21, were lured by ISIS's use of Facebook to travel to Syria believing they would be providing humanitarian aid.¹⁷ Instead, they were taken to an ISIS compound where there were forced to serve as prostitutes and were repeatedly raped. The girls escaped during a bombing of the compound and returned home.

146. Recently, it was reported that the leader of ISIS in the United Kingdom, Omar Hussain, was using Facebook to recruit terrorists to launch attacks in the U.K.¹⁸

147. After kidnapping and murdering Ruqia Hassan Mohammad, a female journalist and activist, ISIS used her account to lure others into supporting ISIS¹⁹.

148. Through its use of Defendants' sites, ISIS has recruited more than 30,000 foreign recruits since 2013, including some 4,500 Westerners and 250 Americans.

B. ISIS Uses Defendants to Fund Terrorism

149. ISIS also uses Defendants to raise funds for its terrorist activities.

150. According to David Cohen, the U.S. Treasury Department's Under Secretary for Terrorism and Financial Intelligence, “[y]ou see these appeals on Twitter in particular from, you know, well-know[n] terrorist financiers . . . and they're quite explicit that these are to be made to ISIL for their military campaign.”

¹⁷ <http://www.teenvogue.com/story/isis-recruits-american-teens>

¹⁸ <http://www.mirror.co.uk/news/uk-news/british-isis-leader-using-facebook-7545645?>

¹⁹ <http://www.independent.co.uk/news/world/middle-east/rugia-hassan-mohammed-the-activist-and-citizen-journalist-that-isis-murdered-and-then-posed-as-for-a6798111.html>

151. The Financial Action Task Force confirms that “individuals associated with ISIL have called for donations via Twitter and have asked the donors to contact them.” These tweets even promote “donation tiers.” One ISIS-linked cleric with the Twitter account @Jahd_bmalk, for instance, sought donations for weapons with the slogan “Participate in Jihad with your Money.” The account tweeted that “if 50 dinars is donated, equivalent to 50 sniper rounds, one will receive a ‘silver status.’ Likewise, if 100 dinars is donated, which buys eight mortar rounds, the contributor will earn the title of ‘gold status’ donor.” According to various tweets from the account, over 26,000 Saudi Riyals (almost \$7,000) were donated.



Figure 12 Fundraising Images from ISIS Twitter Accounts

152. A similar Twitter campaign in the spring of 2014 asked followers to “support the Mujahideen with financial contributions via the following reliable accounts” and provided contact information for how to make the requested donations.

153. In its other Twitter fundraising campaigns, ISIS has posted photographs of cash gold bars and luxury cars that it received from donors, as well as weapons purchased with the proceeds.



Figure 13 Donations to ISIS Publicized on Twitter

154. As discussed more fully below, YouTube approves of ISIS videos allowing for ads to be placed with ISIS videos. YouTube earns revenue from these advertisements and shares a portion of the proceeds with ISIS.

155. Below is an example of a video posted by ISIS on YouTube with a member speaking in French looking for Muslims to support ISIS's cause online.



Figure 14 Screenshot from ISIS Video Posted on June 17, 2015

C. ISIS Uses Defendants' Sites to Spread Its Terror Propaganda

156. Defendants' platforms have played an essential role in the rise of ISIS to become the most feared terrorist organization in the world.

157. ISIS's use of violence and threats of violence is calculated and intended to have an impact far beyond the harm inflicted upon the individual victims of an attack.

158. ISIS's use of violence and threats of violence is part of its program of terrorism, designed inter alia to gain attention, instill fear and "terror" in others, send a message, and obtain results.

159. In other words, the physical attack itself and the harm to the individual victims of the attack are not the only goal or "end" of ISIS's terror attacks; rather, ISIS uses terror attacks as a "means" to communicate and accomplish its broader objectives.

160. ISIS uses terrorism as a psychological weapon.

161. Thus, the messages communicated before, during, and after an ISIS terror attack, as well as the attack itself, are essential components of generating the physical, emotional, and psychological impact ISIS desire to achieve via the terrorist attack.

162. The impact and effectiveness of ISIS terrorism, and its motivation to carry out more terrorist attacks, are dependent upon ISIS's ability to communicate its messages and reach its intended audiences, without intermediaries and without interference.

163. Defendants provide ISIS with a unique and powerful tool of communication that enables ISIS to achieve these goals, and it has become an essential and integral part of ISIS's program of terrorism.

164. Defendants' platforms enable ISIS to communicate its messages directly to intended audiences without having to go through the filter of commercial media, and it enables ISIS to have greater access to the commercial media to further its goals as well.

165. ISIS not only uses Defendants' platforms for recruiting, planning, inciting, and giving instructions for terror attacks, ISIS also uses Defendants' platforms to issue terroristic threats, attract attention to its terror attacks and atrocities, instill and intensify fear from terror attacks,

intimidate and coerce civilian populations, take credit for terror attacks, communicate its desired messages about the terror attacks, reach its desired audiences, demand and attempt to obtain results from the terror attacks, and influence and affect government policies and conduct.

166. ISIS thus uses Defendants' platforms to actually carry out essential communication components of ISIS's terror attacks.

167. Simply put, ISIS uses Facebook, Twitter, and YouTube as tools and weapons of terrorism.

168. Moreover, by allowing ISIS and its affiliates to register for Facebook, Twitter, and YouTube accounts and use Defendants' Services, Defendants lend a sense of authenticity and legitimacy to ISIS as an organization that can operate openly and with impunity, notwithstanding the murderous crimes it commits and its status as an illegal terrorist organization.

169. In defiance of federal criminal laws that prohibit providing services to designated terrorists, Defendants enable ISIS terrorists to come out of hiding and present a public face under their own brand and logo, and under the brands and logos of American companies: Facebook, Twitter, and Google.

170. Defendants' provision of support to ISIS is not simply a matter of whether ISIS abuses its use of Defendants' Services, or whether Defendants abuse their editorial judgment regarding the content of ISIS's postings; under federal law, Defendants have no discretion about whether to provide its Services to ISIS—it is prohibited by law from doing so.

171. ISIS also uses Defendants' sites to spread propaganda and incite fear by posting graphic photos and videos of its terrorist feats.

172. Through Defendants' sites, ISIS disseminates its official media publications as well as posts about real-time atrocities and threats to its perceived enemies.

173. In October 2013, ISIS posted a video of a prison break at the Abu Ghraib prison in Iraq, and its subsequent execution of Iraqi army officers.

174. In November 2013, an ISIS-affiliated user reported on Twitter that ISIS had killed a man it mistakenly believed to be Shiite. Another post by an ISIS account purported to depict Abu Dahr, identified as the “suicide bomber that attacked the Iranian embassy.”

175. In December 2013, an ISIS-affiliated user tweeted pictures of what it described as the killing of an Iraqi cameraman.

176. In June 2014, ISIS tweeted a picture of an Iraqi police chief, sitting with his severed head perched on his legs. The accompanying tweet read: “This is our ball . . . it has skin on it.” ISIS then hashtagged the tweet with the handle #WorldCup so that the image popped up on the feeds of millions following the soccer challenge in Brazil.

177. On July 25, 2014, ISIS members tweeted photos of the beheading of around 75 Syrian soldiers who had been captured during the Syrian conflict.

178. In August 2014, an Australian member of ISIS tweeted a photo of his seven-year-old son holding the decapitated head of a Syrian soldier.

179. Also in August 2014, ISIS member Abu Musaab Hafid al-Baghdadi posted photos on his Twitter account showing an ISIS militant beheading a blindfolded captured Lebanese Army Sergeant Ali al-Sayyed.

180. That same month, ISIS supporters tweeted over 14,000 tweets threatening Americans under the hashtags #WarOnWhites and #AMessagefromISIStoUS, including posting gruesome photos of dead and seriously injured Allied soldiers. Some of the photos depicted U.S. marines hung from bridges in Fallujah, human heads on spikes and the twin towers in flames following the 9/11 attacks. Other messages included direct threats to attack U.S. embassies around the world, and to kill all Americans “wherever you are.”

181. Various ISIS accounts have also tweeted pictures and videos of the beheadings of Americans James Foley, Steven Sotloff, and Peter Kassig.

182. To keep its membership informed, in April 2014, ISIS created an Arabic-language Twitter App called “The Dawn of Glad Tidings,” or “The Dawn,” which posts tweets to thousands of users’ accounts, the content of which is controlled by ISIS’s social media operation. The tweets include hashtags, links, and images related to ISIS’s activities. By June 2014, the app reached a high of 40,000 tweets in one day as ISIS captured Mosul, Iraq.

183. ISIS has also used Twitter to coordinate hashtag campaigns, whereby it enlists thousands of members to repetitively tweet hashtags at certain times of the day so that they trend on Twitter, meaning a wider number of users are exposed to the tweets. One such campaign dubbed a “Twitter storm,” took place on June 8, 2014, and led to a surge in followers.

184. In 2014, propaganda operatives from ISIS posted videos of photojournalist John Cantlie and other captors on both Twitter and YouTube.²⁰ These operatives used various techniques to ensure that ISIS’s posting was spread using Defendants’ sites. In her New York Times article, (Not “Lone Wolves” After All: How ISIS Guides World’s Terror Plots From Afar-2/5/17), Rakmini Callimachi acknowledges that because of Twitter and other social media, “In the most basic enabled attacks Islamic State handlers acted as confidants and coaches, coaxing recruits to embrace violence. ... Because the recruits are instructed to use encrypted messaging applications, the guiding role played by the terrorist group often remains obscured. As a result, remotely guided plots in Europe, Asia, and the United States ... were initially labeled the work of “lone wolves”, ... and only later discovered to have direct communications with the group discovered.”

D. Twitter’s Services

²⁰ <http://www.theguardian.com/world/2014/sep/24/isis-Twitter-youtube-message-social-media-jihadi>

185. Twitter is an online news and social networking service that provides sophisticated yet easy-to-use online products and services (collectively, “Services”). Twitter’s network allows users to publicly connect with its more than 100 million users through “following” other accounts, as well as through “tweets,” or 140 character posts.

186. Twitter’s Services include the use of Twitter’s computer infrastructure, network, applications, tools and features, communications services, and more.

187. Certain uses or features of Twitter’s Services are only available to its registered users, who register and establish an account with Twitter by inputting identifying information and clicking on a “sign up” button.

188. For example, only registered users may establish a Twitter “account,” “follow” and “Direct Message” other Twitter accounts, post tweets and videos on Twitter’s platform, or post comments on a Twitter user’s posted tweets.

189. Is it not necessary to view the “Terms of Service” or other policies or conditions of Twitter’s Services to proceed with registration.

190. Twitter’s platform can be used to post and distribute content or videos publicly, or privacy settings are available to enable users to communicate, share, or distribute videos or messages privately.

191. Twitter enables registered users to “follow” other Twitter accounts and receive notifications of new content, videos, or messages posted by those accounts.

192. Twitter generally provides its platform and services to registered users free of charge.

E. ISIS and Twitter

193. For years, the media has reported on the ISIS’s use of Defendants’ social media sites and their refusal to take any meaningful action to stop it.

194. In December 2011, the New York Times reported that the terrorist group al-

Shabaab, “best known for chopping off hands and starving their own people, just opened a Twitter account and have been writing up a storm, bragging about recent attacks and taunting their enemies.”

195. That same month, terrorism experts cautioned that “Twitter terrorism” was part of “an emerging trend” and that several branches of *al-Qaeda* were using Twitter to recruit individuals, fundraise and distribute propaganda more efficiently. New York Times correspondent, Rukmini Callimachi, probably the most significant reporter covering terrorism, acknowledges that social media and specifically Twitter, allows her to “get inside the minds of ISIS”. Moreover, Callimachi acknowledges, “Twitter is the main engine” in ISIS communication, messaging and recruiting. “Al Qaeda (and now ISIS) have created a structure that was meant to regenerate itself and no longer be dependent on just one person (bin Laden). The Ideology is now a living, breathing thing, because of Twitter. You no longer have to go to some closed dark-web forum to see their stuff.” Using Twitter, you don’t need to even know the exact address to gain access to messages. “With Twitter, you can guess; you look for certain words and you end up finding these accounts. And then it’s kind of organic; You go to one account, then you go to their followers and you follow all those people, and suddenly you’re in the know.” (Rukmini Callimachi, Wired.com, 8/3/16.)

196. On November 20, 2015, Business Insider reported that ISIS members have been providing a 34-page guide to operational security and communications available through multiple social media platforms which delivers instructions to users about communications methods including specifics in the use of Twitter, for purposes of recruiting and radicalizing in the United States.

197. On October 14, 2013, the BBC issued a report on “The Sympatic,” “one of the most important spokesmen of the Islamic State of Iraq and the Levant on the social contact website

Twitter” who famously tweeted: “I swear by God that with us there are mujahideen who are not more than 15 years old!! Where are the men of the [Arabian] Peninsula? By God, shame on you.”

198. On October 31, 2013, Agence France-Presse reported on an ISIS video depicting a prison break at Abu Ghraib and the execution of Iraqi army officers that was “posted on jihadi forums and Twitter.”

199. On June 19, 2014, CNN reported on ISIS’s use of Twitter to raise money for weapons, food, and operations. The next day, Seth Jones, Associate Director of International Security and Defense Policy Center, stated in an interview on CNN that Twitter was widely used by terrorist groups like ISIS to collect information, fundraise and recruit. “Social media is where it’s at for these groups,” he added.

200. On August 21, 2014, after ISIS tweeted out the graphic video showing the beheading of American James Foley, the Wall Street Journal warned that Twitter could no longer afford to be the “Wild West” of social media.

201. In September 2014, Time Magazine quoted terrorism expert Rita Katz, who observed that “[f]or several years, ISIS followers have been hijacking Twitter to freely promote their jihad with very little to no interference at all. . . . Twitter’s lack of action has resulted in a strong, and massive pro-ISIS presence on their social media platform, consisting of campaigns to mobilize, recruit and terrorize.”

202. Throughout this period, both the U.S. government and the public at large have urged Defendants to stop providing its services to terrorists.

203. In December 2011, an Israeli law group threatened to file suit against Twitter for allowing terrorist groups like Hezbollah to use its social network in violation of U.S. anti-terrorism laws.

204. In December 2012, several members of Congress wrote to FBI Director Robert Mueller asking the Bureau to demand that the Twitter block the accounts of various terrorist groups.

205. In a committee hearing held on August 2, 2012, Rep. Ted Poe, chair of the House Foreign Affairs Subcommittee on Terrorism, lamented that “when it comes to a terrorist using Twitter, Twitter has not shut down or suspended a single account.” “Terrorists are using Twitter,” Rep. Poe added, and “[i]t seems like it’s a violation of the law.” In 2015, Rep. Poe again reported that Twitter had consistently failed to respond sufficiently to pleas to shut down clear incitements to violence by terrorists.

206. Recently, former Secretary of State Hillary Clinton has urged Defendants to become more aggressive in preventing ISIS from using its network. “Resolve means depriving jihadists of virtual territory, just as we work to deprive them of actual territory,” she told one audience. Later, Secretary Clinton stated that Twitter and other companies “cannot permit the recruitment and the actual direction of attacks or the celebration of violence by this sophisticated Internet user. They’re going to have to help us take down these announcements and these appeals.”

207. On January 7, 2016, White House officials announced that they would hold high-level discussions with Defendants to encourage them “to do more to block terrorists” from using their services. “The primary purpose is for government officials to press the biggest Internet firms to take a more proactive approach to countering terrorist messages and recruitment online. . . . That issue has long vexed U.S. counterterrorism officials, as terror groups use Twitter . . . to spread terrorist propaganda, cultivate followers and steer them toward committing violence. But the companies have resisted some requests by law-enforcement leaders to take action . . .”

F. Facebook’s Services

208. Facebook is an online social media and social networking service that provides sophisticated yet easy-to-use online products and services (collectively, “Services”). Facebook allows users to connect with “friends,” a connection that allows for the exchange of messages,

posting of status updates and digital photos, sharing of digital videos and links to online content, as well as the use of various software applications.

209. Facebook's Services include the use of Facebook's computer infrastructure, network, applications, tools and features, communications services, and more.

210. Certain uses or features of Facebook's Services are only available to its registered users, who register and establish an account with Facebook by inputting identifying information and clicking on a "sign up" button.

211. For example, only registered users may establish a Facebook "account," add or communicate with "friends" on Facebook's platform, privately message friends or businesses through Facebook's "Messenger" application, or post status and video updates or comments on the page of a Facebook account or video.

212. Is it not necessary to view the "Terms of Service" or other policies or conditions of Facebook's Services to proceed with registration.

213. Facebook's platform can be used to post and distribute content and videos publicly, or privacy settings are available to enable users to communicate, share, or distribute videos or messages privately.

214. Facebook enables registered users to "friend request," "like," or "follow," other Facebook accounts in order to receive notifications of new content, videos or messages posted by those accounts.

215. Facebook generally provides its platform and services to registered users free of charge.

G. ISIS and Facebook

216. On January 10, 2012, CBC News Released an article stating that Facebook is being used by terrorist organizations for recruitment and to gather military and political intelligence.

"Many users don't even bother finding out who they are confirming as 'friend' and to whom they are providing access to a large amount of information on their personal life. The terrorists themselves, in parallel, are able to create false profiles that enable them to get into highly visible groups," he said.²¹

217. On January 10, 2014, the Washington Post released an article titled *Why aren't YouTube, Facebook, and Twitter doing more to stop terrorists from inciting violence?*²²

218. In June 2014, the Washington Times reported that Facebook is refusing to take down a known ISIS terror group fan page that "has nearly 6,000 members and adoringly quotes Abu Musab al-Zarqawi, founder of al-Qaeda in Iraq who was killed by U.S. forces in 2006."²³

219. On August 21, 2014, the anti-defamation league explained that ISIS supporters on Twitter have "not only promoted ISIS propaganda (primarily in English) but has also directed supporters to his English-language Facebook pages (continuously replacing pages as they are removed by Facebook for content violation) that do the same."²⁴

220. On October 28, 2015, at the Radicalization: Social Media And The Rise Of Terrorism hearing, it was reported that Zale Thompson, who attacked four New York City Police Officers with an axe, posted on Facebook "Which is better, to sit around and do nothing or to wage jihad."²⁵

221. At this same hearing, it was also reported that in September 2014 "Alton Nolen, a

²¹ <http://www.cbc.ca/news/technology/terrorist-groups-recruiting-through-social-media-1.1131053>

²² <https://www.washingtonpost.com/posteverything/wp/2014/07/10/farrow-why-arent-youtube-facebook-and-Twitter-doing-more-to-stop-terrorists-from-inciting-violence/>

²³ <http://www.washingtontimes.com/news/2014/jun/16/husain-facebook-refuses-take-down-isis-terror-grou/>

²⁴ <http://www.adl.org/combatting-hate/international-extremism-terrorism/c/isis-islamic-state-social-media.html?referrer=https://www.google.com/#.Vzs0xfkrIdU>

²⁵ <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Purdy-TRC-Testimony.pdf>

(footnote continued)

convert to Islam and ex-convict who had just been fired from his job at a food processing plant, entered his former workplace and beheaded an employee with a knife. This attack combines elements of workplace violence and terrorism. Nolen had been a voracious consumer of IS propaganda, a fact reflected on his Facebook page.”²⁶

222. On November 11, 2015, it was reported that one of the attackers from a terrorist bus attack two weeks prior “was a regular on Facebook, where he had already posted a “will for any martyr.” Very likely, they made use of one of the thousands of posts, manuals and instructional videos circulating in Palestinian society these last few weeks, like the image, shared by thousands on Facebook, showing an anatomical chart of the human body with advice on where to stab for maximal damage.”²⁷

223. On December 4, 2015, The Counter Extremism Project released a statement that “Today’s news that one of the shooters in the San Bernardino attack that killed 14 innocent people pledged allegiance to ISIS in a Facebook posting demonstrates once again that the threat of ISIS and violent Islamist extremist ideology knows no borders.”²⁸

224. On April 8, 2016, the Mirror reported that “Jihadi fighters in the Middle East are using Facebook to buy and sell heavy duty weaponry” and that “Fighters in ISIS-linked regions in Libya are creating secret arms bazaars and hosting them on the massive social network. Because of Facebook’s ability to create groups and to send secure payments through its Messenger application, it works as the perfect platform for illegal deals.”²⁹

²⁶ <https://oversight.house.gov/wp-content/uploads/2015/10/10-28-2015-Natl-Security-Subcommittee-Hearing-on-Radicalization-Gartenstein-Ross-FDD-Testimony.pdf>

²⁷ http://www.nytimes.com/2015/11/03/opinion/the-facebook-intifada.html?_r=1

²⁸ http://www.counterextremism.com/press/counter-extremism-project-releases-statement-news-san-bernardino-shooter-pledged-allegiance?utm_content=buffer38967&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer#sthash.iJjhU3bF.dpuf

²⁹ <http://www.mirror.co.uk/tech/isis-terrorists-use-facebook-buy-7713893>

H. Google's Services

225. Google provides sophisticated yet easy-to-use online products and services (collectively, “Services”), including the online video platform known as “YouTube.”

226. Google’s Services include the use of Google’s computer infrastructure, network, applications, tools and features, communications services, and more.

227. Certain uses or features of Google’s Services are only available to its registered users, who register and establish an account with Google by inputting identifying information and clicking on a “sign up” button.

228. For example, only registered users may establish a YouTube “channel,” post videos on Google’s YouTube platform, or post comments on the page of a YouTube channel or video.

229. Is it not necessary to view the “Terms of Service” or other policies or conditions of Google’s Services to proceed with registration.

230. Google’s YouTube platform can be used to post and distribute videos publicly, or privacy settings are available to enable users to communicate, share, or distribute videos or messages privately.

231. Google enables registered users to “subscribe” to YouTube “channels” in order to receive notifications of new videos or messages posted on those channels.

232. Google generally provides its YouTube platform and services to registered users free of charge.

I. ISIS and YouTube

233. ISIS has used YouTube as an extremely effective means of announcing and releasing its propaganda materials, which include music, speeches, graphic acts of violence, full-length videos and more, presenting an image of technical sophistication and advanced media capabilities.

234. In November 2006, following the development of YouTube, ISIS (then known as AQI/ISI) announced the establishment of its “*al-Furqan* Institute for Media Production” (“*al-Furqan* Media”), which was to produce more professional and stylized video and other materials to be disseminated through online platforms.

235. *Al-Furqan* Media’s logo appears as follows:



Figure 15 Al-Furqam Logo

236. In a press release announcing *Al-Furqan* Media, ISIS stated: “This Institute is a milestone on the path of Jihad; a distinguished media that takes the great care in the management of the conflict with the Crusaders [Western nations] and their tails [sic] and to expose the lies in the Crusaders’ media.”³⁰

237. Following a raid on one of ISIS’s *al-Furqan* Media offices in Samarra, Iraq in June 2007, Brigadier General Kevin Bergner, a spokesman for the Multinational Forces Iraq, described the extensive scope of the office’s operations as follows:

“[The Samarra office] produced CDs, DVDs, posters, pamphlets, and web-related propaganda products and contained documents clearly identifying al Qaeda in Iraq/[ISI]’s intent to use media as a weapon.

...
The building contained 65 hard drives, 18 thumb drives, over 500 CDs and 12 stand-alone computers . . . In all, this media center had the capacity of reproducing 156 CDs in an eight-hour period and had a fully functioning film studio.

...

³⁰ See Bill Roggio, “US targets al Qaeda’s al Furqan media wing in Iraq,” *The Long War Journal* (Oct. 28, 2007), http://www.longwarjournal.org/archives/2007/10/us_targets_al_qaedas.php.

[U.S. forces also found] a sampling of other propaganda documents: a letter that gives instructions on how to use the media to get out the al Qaeda [in Iraq/ISI] message most effectively; an al Qaeda [in Iraq/ISI] activity report highlighting car bomb, suicide, missile, mortar, sniping and IED [improvised explosive device] attacks; a propaganda poster that encourages filming and distributing videos, showing al Qaeda [in Iraq/ISI] attacks on coalition forces; and a pamphlet and a CD cover of their sniper school.”³¹

238. ISIS’s *al-Furqan* Media has used YouTube extensively to distribute its video propaganda online.

239. In 2013, ISIS began a dramatic new expansion of its media production capabilities and exploitation of YouTube and other social media.

240. In March 2013, ISI announced the formation of a second ISI media production arm known as “*al-I’tisam* Media Foundation” (“*al-I’tisam* Media”), in addition to its already well-established *al-Furqan* Media.

241. *Al-I’tisam* Media’s logo appears as follows:

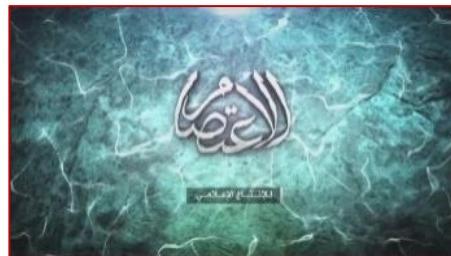


Figure 16 Al-I’tisam Media’s logo

242. In August 2013, ISIS announced the formation of a third media production arm, the “*Ajnad* Foundation for Media Production” (the “*Ajnad* Foundation”), specializing in audio content that would also be distributed via YouTube as music videos, Islamic inspirational songs (“*nashids*”) that accompany ISIS videos, as well as sermons, Quran readings, and other indoctrination to be posted on YouTube.

³¹ *Id.*

243. The ISIS *nashids* are emotionally powerful musical chants, and ISIS terrorists have reportedly used recordings of these *nashids* that are posted on YouTube to pump up their emotions and excitement prior to carrying out an attack.

244. The *Ajnad* Foundation's logo appears as follows:



Figure 17 Ajnad Foundation's Logo

245. In May 2014, ISIS launched a fourth media production department named “*al-Hayat Media Center*” (“*al-Hayat* Media”) specifically to target Western and non-Arabic-speaking audiences, producing and distributing material in many languages, including English, French, Dutch, German, Turkish, Russian, and more, to be distributed via YouTube in conjunction with other internet platforms.

246. *Al-Hayat* Media's logo appears as follows:



Figure 18 Al-Hayat Media's Logo

247. With its highly developed media production departments and various branded media outlets, ISIS has been able to create and distribute via YouTube video propaganda, recruitment, and operational campaigns that are exceptionally professional, sophisticated, and effective.

248. Amb. Alberto Fernandez, Vice-President of the Middle East Media Research Institute (“MEMRI”) and former Coordinator for Strategic Counter-Terrorism Communications at the U.S. Department of State, has called ISIS’s media materials, “the gold standard for propaganda in terms of its quality and quantity.”³²

249. Essential to the success of its media and terror campaigns—and to the success of ISIS—has been ISIS’s use of YouTube to disseminate its videos and messages and execute its propaganda, recruitment, and operational campaigns; indeed, all of ISIS’s media production departments described above have used YouTube for this purpose.

250. ISIS has used YouTube to disseminate videos of its brutality and conquests as a psychological weapon to strike fear in its enemies.

251. For example, in October 2013, ISIS used YouTube to post a video of a prison break at the Abu Ghraib prison in Iraq, and its subsequent execution of Iraqi army officers, which served to intimidate soldiers in the Iraqi army.

252. The following is an ISIS graphic promoting ISIS’s October 2013 Abu Ghraib video:



Figure 19 ISIS Graphic Promoting Abu Gharib Video

³² Dr. Erin Marie Saltman & Charlie Winter, “Islamic State: The Changing Face of Modern Jihadism,” Quilliam (Nov. 2014), <https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/islamic-state-the-changing-face-of-modern-jihadism.pdf>.

253. In contrast to the days before the development of YouTube, when al-Zarqawi was limited to releasing short, low-quality videos, on websites that could only handle limited traffic, Google's YouTube platform and services provide ISIS with the ability to produce and disseminate professional-quality feature films of any length to an unlimited audience.

254. For example, on March 17, 2014, ISIS's *al-I'tisam* Media used YouTube to release an hour-long highly-graphic video titled, "The Clanging of the Swords 4," produced by ISIS's *al-Furqan* Media.

255. The terrorism analysis website Jihadica.com reported that within 24 hours of the video's publication on YouTube, "The Clanging of the Swords 4" had been viewed 56,998 times.³³

256. ISIS has used YouTube to raise its profile among terror groups and even overtake older jihadist competitors like *al-Qaeda*.

257. ISIS uses YouTube to disseminate its propaganda in video to both Muslims and non-Muslims, with the effect of instilling fear and terror in the "non-believers" while encouraging others to join in ISIS's cause.

258. ISIS also uses YouTube to communicate with ISIS "sympathizers" and to provide them with directions as well.

259. ISIS has engaged and continues to engage, in horrific terrorist atrocities against civilians/non-combatants in every area it has operated, and has posted videos of such activity on YouTube to spread even more fear.

260. ISIS has kidnapped innocent civilians and made various demands for their release, and it has carried out numerous beheadings, crucifixions, public executions, and mass-murders of

³³ Nica Prucha, "*Is this the most successful release of a jihadist video ever?*" Jihadica.com (May 19, 2014), <http://www.jihadica.com/is-this-the-most-successful-release-of-a-jihadist-video-ever/>.

its enemies and people it considers “apostates” or “infidels,” all in front of the cameras for the purpose of posting videos of these atrocities on YouTube.

261. ISIS has directed and overseen the systematic rape and enslavement of captive women and girls and has conducted a program of genocide against religious and ethnic groups, even promoting the sale of women as slaves on YouTube.

262. ISIS has enforced its own strict interpretations of Islamic law in the areas it has captured, meting out punishments including whipping, amputation, and death to those who fail or refuse to comply, again using YouTube to post videos praising these punishments.

263. ISIS has paraded captives before cameras and forced them to give statements for ISIS propaganda, and it has become infamous for its use of YouTube to broadcast worldwide its cruel and ever-unusual executions of captives for their shocking and terror-inducing effect.

264. Using YouTube and other social media, ISIS has recruited, and continues to recruit, individuals from all over the world to travel to Syria and Iraq for the purpose of joining its ranks and participating in its terrorist activities and atrocities.

265. Tens of thousands of people from around the world have viewed ISIS’s propaganda on YouTube and have been persuaded to travel to Syria and Iraq to join ISIS and engage in its jihad.

266. ISIS’s use of YouTube has enabled the terrorist organization to produce and distribute high-quality videos by dedicated professional ISIS media personnel.

267. For example, in June 2014, ISIS’s *al-Hayat* Media used YouTube to launch and propagate a series of videos called the “MujaTweets,” claiming to show “snippets of day-to-day life in the ‘Islamic State’” to portray life under ISIS as peaceful and normal.

268. The Huffington Post described the quality of ISIS's propaganda videos as follows:³⁴

When it comes to producing recruitment and propaganda videos...unaffiliated supporters leave room to a much smaller group of official ISIS members. This mainly consists of professional filmmakers working directly for the Islamic State. Their use of high definition video cameras, slick graphics and refined editing techniques has elevated the quality of the videos produced to Hollywood standards. One series of video clips called Mujatweets, released by ISIS' media arm on YouTube, portrays a number of ISIS militants as they engage in noble activities such as visiting an injured fighter at the hospital or distributing candies to some children. Episodes are filmed in HD, contain sophisticated graphics and logos, and include English subtitles—a sign of how the message is explicitly intended for second generation immigrants, especially the young.

269. In September 2014, ISIS used YouTube to release an animated recruitment video set to the entrancing sounds of ISIS's militant Islamist *nasheed* chant and titled “Grand Theft Auto: *Salil al-Sawarem* [‘Clanging of the Swords’],” ostensibly announcing the release of an ISIS video game modeled after a famous PlayStation interactive video game titled “Grand Theft Auto” that sold 27.5 million copies.

270. The following are screen clips from the ISIS YouTube video “Grand Theft Auto: *Salil al-Sawarem*:



Figure 20 ISIS YouTube video “Grand Theft Auto: *Salil al-Sawarem*

³⁴ Alessandro Bonzio, “ISIS’ Use of Social Media Is Not Surprising; Its Sophisticated Digital Strategy Is,” The Huffington Post (Nov. 14, 2014), http://www.huffingtonpost.co.uk/alessandro_bonzio/isisuseofsocialmedia_b_5818720.html.



Figure 21 ISIS YouTube video “Grand Theft Auto: Salil al-Sawarem

271. In releasing its video-version of “Grand Theft Auto” on YouTube, which depicted an ISIS terrorist shooting a policeman and attacking a convoy of army trucks and jeeps, ISIS announced that its purpose was to “raise the morale of the mujahedin [“holy warriors”] and to train children and youth how to battle the West and to strike terror into the hearts of those who oppose the Islamic State.”³⁵

272. Through its use of YouTube and other social media, ISIS has recruited more than 30,000 foreign recruits since 2014, including some 4,500 Westerners and 250 Americans.

273. ISIS has used YouTube to indoctrinate and radicalize potential recruits and followers, providing a constant stream of religious teachings, mantras, and images showing the “truth” of ISIS’s doctrines and the “heresy” of other groups, particularly Christians, Jews, and non-Sunni Muslims

274. ISIS has used YouTube to indoctrinate and provided training to these recruits, and has sent many of them to return to their home countries to carry out terrorist attacks there.

275. ISIS has also used and continues to use, YouTube to solicit and recruit individuals to remain in their home countries to carry out terrorist attacks there.

³⁵ Paul Crompton, “Grand Theft Auto: ISIS? Militants reveal video game,” Al Arabiya News (Sept. 20, 2014), <http://english.alarabiya.net/en/variety/2014/09/20/Grand-Theft-Auto-ISIS-Militants-reveal-video-game.html>.

276. These efforts have been particularly directed at citizens of countries participating in efforts to suppress and defeat ISIS in Syria and Iraq, including the United States, England, France, Belgium, Turkey, and Russia, and ISIS has also used YouTube to provide indoctrination, training, and inspiration to these recruits to carry out terrorist attacks.

277. ISIS's use of violence against civilians is politically motivated and intended to intimidate and coerce the civilian populations where it carries out such violence, to influence the policies of governments, and to affect the policy of governments through kidnapping, assassination, and mass destruction.

278. ISIS has used YouTube to indoctrinate and radicalize potential recruits and followers, providing a constant stream of religious teachings, mantras, music videos, and other images showing the "truth" of ISIS's doctrines and the "heresy" of other groups, particularly Christians, Jews, and non-Sunni Muslims.

279. ISIS has used YouTube to exaggerate its expansion territorially by disseminating videos with maps showing areas ISIS claims to control as well as other regions where other groups have allegedly pledged allegiance to ISIS.

280. ISIS has used YouTube to generate sympathy by showing images of women and children allegedly injured or killed by the enemies of ISIS.

281. ISIS uses YouTube as a psychological weapon to project strength, brutality, superiority, and invincibility, and to instill fear, awe, and terror.

282. ISIS regularly records the executions of large groups of local prisoners in order to intimidate and demoralize its opposition, and then uses YouTube to make these videos, mixed and produced with drama and set to music, "go viral" on the internet and into the mainstream media.

283. ISIS also used YouTube to post a series of videos of beheadings together with political messages and warnings to the West.

284. On August 19, 2014, ISIS used YouTube to post a video in English titled “A Message to America,” showing the beheading of American journalist James Foley by a hooded man with a British accent, later known as “Jihadi John.”

285. The following are screen clips from the August 19, 2014 video:



Figure 22 Clip from “A Message to America”



Figure 23 Clip from “A Message to America”

286. In the YouTube video of Foley’s murder, ISIS also showed another captive American, Steven Sotloff, and threatened that his fate would be the same if the U.S. did not cease all attacks against ISIS.

287. On September 2, 2014, ISIS used YouTube to post a video titled “A Second Message to America,” showing the beheading of Steven Sotloff, and threatening to murder Britain David Hanes.

288. The following are screen clips from the September 2, 2014 video:



Figure 24 Clip from “A Second Message to America”



Figure 25 Clip from “A Second Message to America”

289. On September 13, 2014, ISIS used YouTube to post a video titled “A Message to the Allies of America,” showing the beheading of David Haines, a British aid worker, and threatening to murder Britain Alan Henning.

290. The following is a screen clip from the September 13, 2014 video:

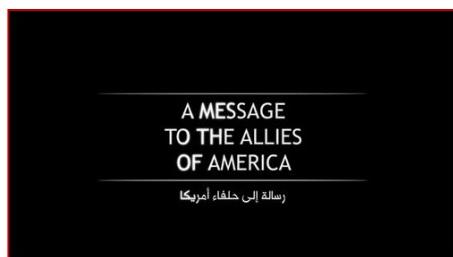


Figure 26 Clip from “A Message to the Allies of America”

291. On October 3, 2014, ISIS used YouTube to post a video titled “Another Message to America and its Allies,” showing the beheading of Alan Henning, a British aid worker, and threatening to murder American Peter Kassig.

292. The following is a screen clip from the October 3, 2014 video:



Figure 27 Clip from “Another Message to America and its Allies”

293. On November 16, 2014, ISIS used YouTube to post a video titled “Although the Disbelievers Will Not Like It,” which opened with an ISIS propaganda map showing areas that had been declared “provinces” of the ISIS “Caliphate” and a speech by ISIS leader Abu Bakr (who took the name Khalifah Ibrahim al-Badri) accepting oaths of loyalty purportedly made from various terrorist leaders of these “provinces.”

294. The following are screen clips from the November 16, 2014 video:



Figure 28 Clip from “Although the Disbelievers Will Not Like It”



Figure 29 Clip from “Although the Disbelievers Will Not Like It”

295. The video shows action scenes of Christians, Shiite Muslims, and Americans being killed by ISIS *jihadis*, contrasted with bloody images of children depicted as victims of enemy attacks.

296. The video continues with a procession of about 18 bound captives said to be Syrian pilots, who are forced to kneel and are beheaded before the camera by ISIS terrorists, all set to the sound of the militant ISIS *nashid* musical chant familiar to many ISIS videos.

297. The following are additional screen clips from the November 16, 2014 video:



Figure 30 Clips from “Although the Disbelievers Will Not Like It”

298. Just before the beheading is shown in the video, ISIS executioner “Jihadi John” makes the following statement:

“To Obama, the dog of Rome, today we are slaughtering the soldiers of [Syrian President] Bashar [al Assad] and tomorrow we’ll be slaughtering your soldiers. And with Allah’s permission we will break this final and last crusade. And the Islamic State will soon, like your puppet David Cameron said, will begin to slaughter your people in your streets.”

299. After the beheadings, the video shows the bodies of the captives on the ground with their severed heads placed on their backs and pools of blood on the ground.

300. In the final minute of the video, the scene changes to “Jihadi John” standing alone by another severed head on the ground, which he says is that of American Peter Kassig, as the terrorist announces another threat to America and its allies.

301. On February 3, 2015, ISIS's *al-Furqan* Institute used YouTube to post a video titled "Healing a Believer's Chest," which showed Jordanian pilot Mu'adh Al-Kasasbeh (who had been captured by ISIS) being burned alive in a cage.

302. The following are scenes from the "Healing a Believer's Chest" video that ISIS posted on YouTube:



Figure 31 Clips from "Healing a Believer's Chest"

303. On February 15, 2015, ISIS used YouTube to post a video titled "A Message Signed With Blood To The Nation Of The Cross," showing the beheading of 21 Coptic Christian men ISIS had captured in Libya.

304. The following is a screen clip from the February 15, 2015 video:



Figure 32 Clip from "A Message Signed With Blood To The Nation Of The Cross"

305. ISIS has also used YouTube to post videos of other cruel executions, including numerous beheadings and crucifixions, discharging explosives attached to captives, slowly lowering caged captives into water to drown, and more.

306. ISIS's ability to use YouTube to disseminate around the world its message, evidence of its atrocities, and an image of invincibility, not only intensifies the intimidation it creates but also motivates and emboldens its members and followers to carry out even more terrorist attacks.

307. ISIS has also used YouTube to raise funds for its terrorist activities.

308. ISIS has used YouTube to inflame Muslim emotions and incite violence against non-Muslims and to glorify terrorist "martyrs" and *jihad*.

309. ISIS has used YouTube to direct viewers to other online sites, postings, media, and other social network media.

310. Thus, ISIS has used YouTube as a platform from which followers can access not only YouTube videos and comments, but also other websites, Facebook pages, Twitter accounts, and other online social network media.

311. ISIS has used YouTube as a means to communicate its messages to the broader news media.

312. ISIS has used YouTube accounts, channels, subscriptions, and messages to build and maintain networks.

313. In June 2015, it was reported that ISIS had released at least 830 videos just since 2013, an average of 21 videos each month.

314. YouTube is especially useful to ISIS because, among other things, it is provided free of charge, allows unlimited usage, offers the ability to reach an enormous number of users instantaneously, provides the ability to distribute videos without disclosing location, enables like-minded users to connect and communicate, affords both public and private communications, and integrates other social media platforms and services.

315. YouTube is also readily available, easy-to-use, and enables registered users to share videos, large and small, using Google's computer servers via the Internet.

316. Moreover, the money ISIS saves by using YouTube frees up funds for ISIS to devote to even more terrorist attacks.

317. In all of these ways and more, Google's Services have played an essential role in enabling ISIS to grow, develop, and project itself as the most feared terrorist organization in the world.

318. The sophisticated technological capabilities that Google's Services give to ISIS have had an enormous impact on ISIS's methods and success in recruiting, indoctrination, training, conducting terrorist operations, and engaging in psychological warfare.

IV. ISIS'S NOVEMBER 13, 2015 PARIS ATTACK

A. Introduction

319. On November 13, 2015, ISIS carried out coordinated horrific terror attacks across Paris, France, murdering 130 people, and injuring over 400 more, including Mandy Palmucci (the "Paris Attack").³⁶

320. The Paris Attack was intended: a) to intimidate and coerce the civilian populations of France, the United States, and other countries engaged in activities against ISIS; b) to influence the policies of these governments by intimidation and coercion; and c) to affect the conduct of these governments by mass destruction, assassination, and kidnapping.

321. Indeed, a major component of the Paris Attack was the messaging disseminated by ISIS prior to, during, and after the events, in which ISIS stated its reasons for committing the terrorist attack against these countries' civilians.

322. The Paris Attack involved extensive planning, recruiting, organization, training, preparation, coordination, and funding.

³⁶<http://www.telegraph.co.uk/news/2016/10/06/nice-killer-visited-italys-little-calais-as-he-was-radicalised-o/>

323. It also involved the use of Defendants' platforms, before and after the attack, to intensify the fear and intimidation that ISIS intended to inflict by this mass casualty attack.

324. ISIS used Defendants' platforms and services to facilitate and accomplish all of these things.

B. Recruiting and Planning

325. The Paris Attack involved three coordinated teams of ISIS terrorists that carried out terrorist attacks in Paris in the evening of November 13, 2015.

326. To date, the following twelve ISIS terrorists have been identified as being directly involved in the Paris Attacks:

- a. Abdelhamid Abaaoud (a Belgian national);
- b. Brahim Abdeslam (a Belgian national);
- c. Chakib Akrouh (a Belgian national);
- d. Bilal Hafdi (a French citizen who lived in Belgium);
- e. Ahmed al-Mohamed (believed to be an Iraqi);
- f. M. al-Mahmod (believed to be an Iraqi);
- g. Omar Ismail Mostefai (a French national);
- h. Sami Amimour (a French citizen);
- i. Foued Mohammed Aggad (a French national);
- j. Salah Abdeslam (a Belgian-born French national);
- k. Mohamed Belkaid (believed to be Algerian); and
- l. Najim Laachraoui (a Moroccan-born resident of Belgium).

327. Belgium has been called "the epicenter of the Islamic State's efforts to attack Europe."

328. A number of *jihadi* recruiting networks for ISIS have been very active and successful, enticing and sending hundreds of young Muslim men in the last 5-6 years to travel to Syria and Iraq to join ISIS.

329. By the time of the Paris Attack, Belgium was the country with the highest number per capita of recruits to travel to Syria and Iraq to join ISIS among all Western countries.

330. Among the most active and successful ISIS recruiting networks in Belgium were:

- a. Sharia4Belgium, founded by Antwerp-based radical Islamist Fouad Belkacem (a/k/a Abu Imran) (“Belkacem”) with the inspiration and endorsement of London-based radical Islamist Anjam Choudary (“Choudary”);
- b. Resto du Tawhid, founded in Brussels by a Belgian Muslim-convert named Jean-Louis Denis (“Denis”); and
- c. “The Zerkani Network,” centered around the Molenbeek area of Brussels by radical Islamist Khalid Zerkani (“Zerkani”).

331. Choudary was a founding member of an extreme Islamist organization called *al-Muhajiroun*, which held a conference in 2002 titled “The Magnificent 19,” praising *al-Qaeda*’s 9/11 Attack on the United States, and was linked to multiple terror plots in Britain.

332. In 2010 and 2014, Britain banned *al-Muhajiroun* and other groups led by Choudary, including Islam4UK, under the U.K. Terrorism Act of 2000.

333. Choudary openly supported ISIS and *jihad* through speeches and social media, especially YouTube, Twitter, and Facebook.

334. After ISIS's announcement of the Islamic caliphate in 2014, Choudary declared his allegiance to the Islamic State, and stated to the press that ISIS's leader Abu Bakr is "the caliph of all Muslims and the prince of the believers."³⁷

335. Choudary is considered to have played a major role in recruiting more than 500 Britains to travel to Syria and Iraq to join ISIS.

336. Choudary was arrested in September 2014, and was subsequently convicted under the U.K. Terrorism Act of 2000 for inviting support of ISIS.

337. Choudary was personally named as a Specially Designated Global Terrorist ("SDGT") on March 30, 2017 because of his connection to ISIS.

338. Belkacem was an admirer of Choudary, and founded Sharia4Belgium after seeking his advice.

339. Belkacem operated Sharia4Belgium as an intense Islamist activist and indoctrination center, with one of its central goals being to recruit young Muslims to travel to Syria and Iraq to join ISIS.³⁸

340. In early 2015, Belkacem was convicted for recruiting and sending terrorists to join ISIS in Syria and Iraq, and sentenced to twelve years imprisonment.

341. Forty-four other members of Sharia4Belgium were also tried together with Belkacem, although only seven of those were present at the trial.

342. The remaining defendants in Belkacem's trial were tried in absentia, most presumed to still be in Syria or possibly killed.

³⁷ Andrew Anthony, "Anjem Choudary: the British extremist who backs the caliphate," *The Guardian* (Sept. 7, 2014), <https://www.theguardian.com/world/2014/sep/07/anjem-choudary-islamic-state-isis>.

³⁸ Ben Taub, "Journey to Jihad: Why are teen-agers joining ISIS?" *The New Yorker* (Jun. 1, 2015), <http://www.newyorker.com/magazine/2015/06/01/journey-to-jihad>.

343. Belkacem's 44 co-defendants were also convicted of terrorism offenses, and given sentences of between three and fifteen years imprisonment (with some sentences suspended).

344. After Belkacem's arrest, radical Islamist Hicham Chaib (a/k/a Abu Hanifa al-Baljiki) ("Chaib"), served as a leader of Sharia4Belgium.

345. Denis was also arrested and convicted of recruiting for ISIS, and was sentenced in January 2016 to ten years imprisonment.

346. Zerkani operated his recruitment network in the Brussels area, using petty crime to fund the recruitment of *jihadis* for ISIS.

347. Zerkani was known for providing fake documentation and thousands of Euros in cash to recruits who traveled to Syria and Iraq to joining ISIS, and putting them in touch with contacts to smuggle them across the border from Turkey to Syria.

348. In July 2015, a Belgian criminal court convicted and sentenced Zerkani to 12 years imprisonment for recruiting for ISIS, and his sentence was extended to 15 years in April 2016 by an appeals court.

349. As with Belkacem, Zerkani was tried together with many other co-defendants charged with terrorism offenses related to recruiting and sending young Muslims to Syria to join ISIS.

350. Twenty-eight of Zerkani's co-defendants were convicted and sentenced, although 14 of those convicted were tried in absentia because they were presumed to still in Syria or possibly killed.

351. Among those convicted in absentia at the Zerkani trial in July 2015 were Abaaoud and Laachraoui, two ISIS terrorist who would later to instrumental in the Paris Attack in November 2015.

352. Each of these networks—Sharia4Belgium, Resto du Tawid, and “The Zerkani Network”—used and relied on social media to build and maintain connections with ISIS recruits, and as Belgian recruits arrived in Syria and Iraq, these recruits served to influence others from their Belgian communities to join ISIS as well.

353. Belkacem and Denis in particular used YouTube as a primary tool for indoctrination and recruitment to ISIS.

354. Belkacem’s Sharia4Belgium maintained several YouTube channels, which it used to post sermons, speeches, news events, and other materials to lure, recruit, and indoctrinate young Muslims to travel to Syria and Iraq to join ISIS.

355. The following is a logo from one of Sharia4Belgium’s YouTube channels:



Figure 33 Logo from one of Sharia4Belgium’s YouTube channels

356. The following are screen clips from one of Sharia4Belgium’s YouTube channels established in 2012 and still online today, showing a menu of Sharia4Belgium videos that can be viewed on the channel (the captions are translated by Google Translate into English):











Figure 34 Screen clips from one of Sharia4Belgium's YouTube channels

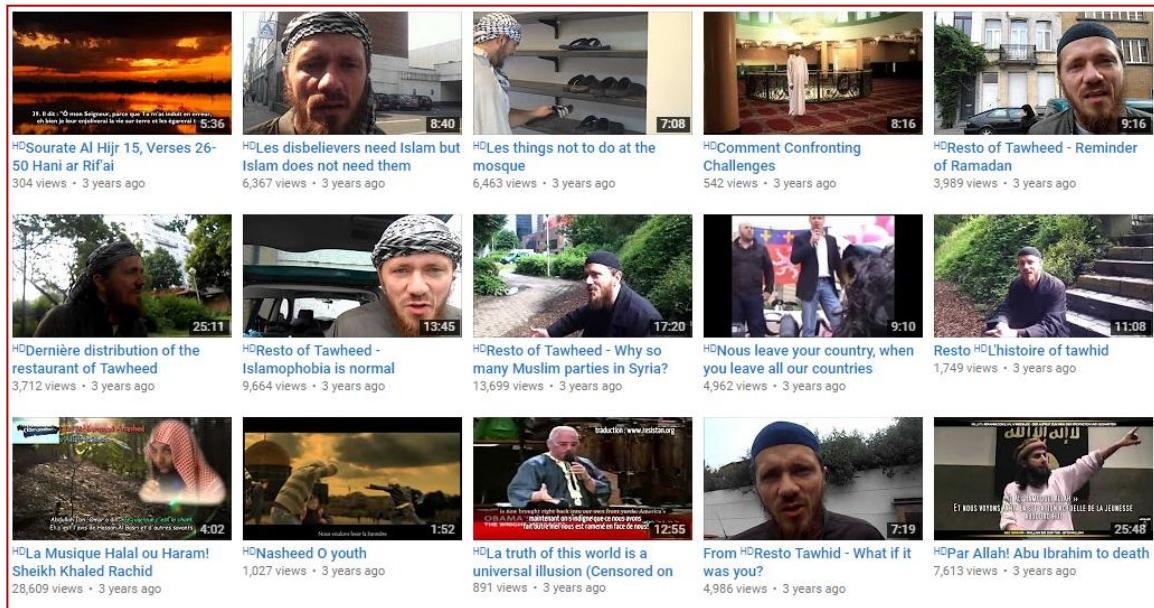
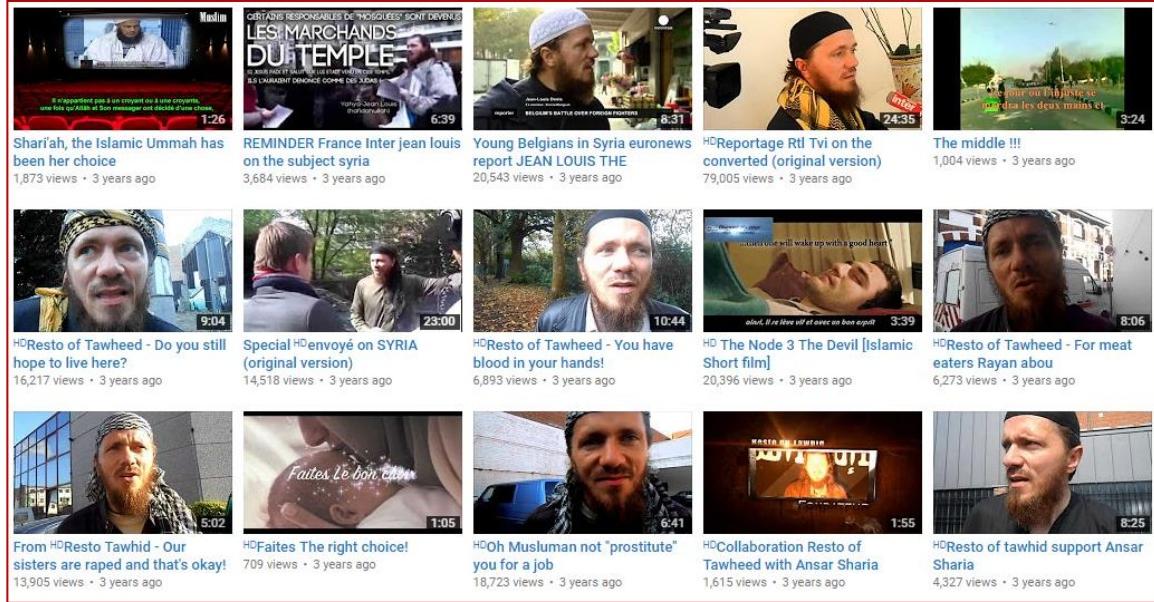
357. Denis's Resto du Tawid also maintained one or more YouTube channels as well, which was also used to post sermons, speeches, news events, and other materials to lure, recruit, and indoctrinate young Muslims to travel to Syria and Iraq to join ISIS.

358. The following is a picture of the banner from Denis's Resto du Tawid YouTube channel:



Figure 35 banner from Denis's Resto du Tawid YouTube channel

359. The following are screen clips from one of Sharia4Belgium's YouTube channels established in 2012 and still online today, showing a menu of Sharia4Belgium videos that can be viewed on the channel (the captions are translated by Google Translate into English):



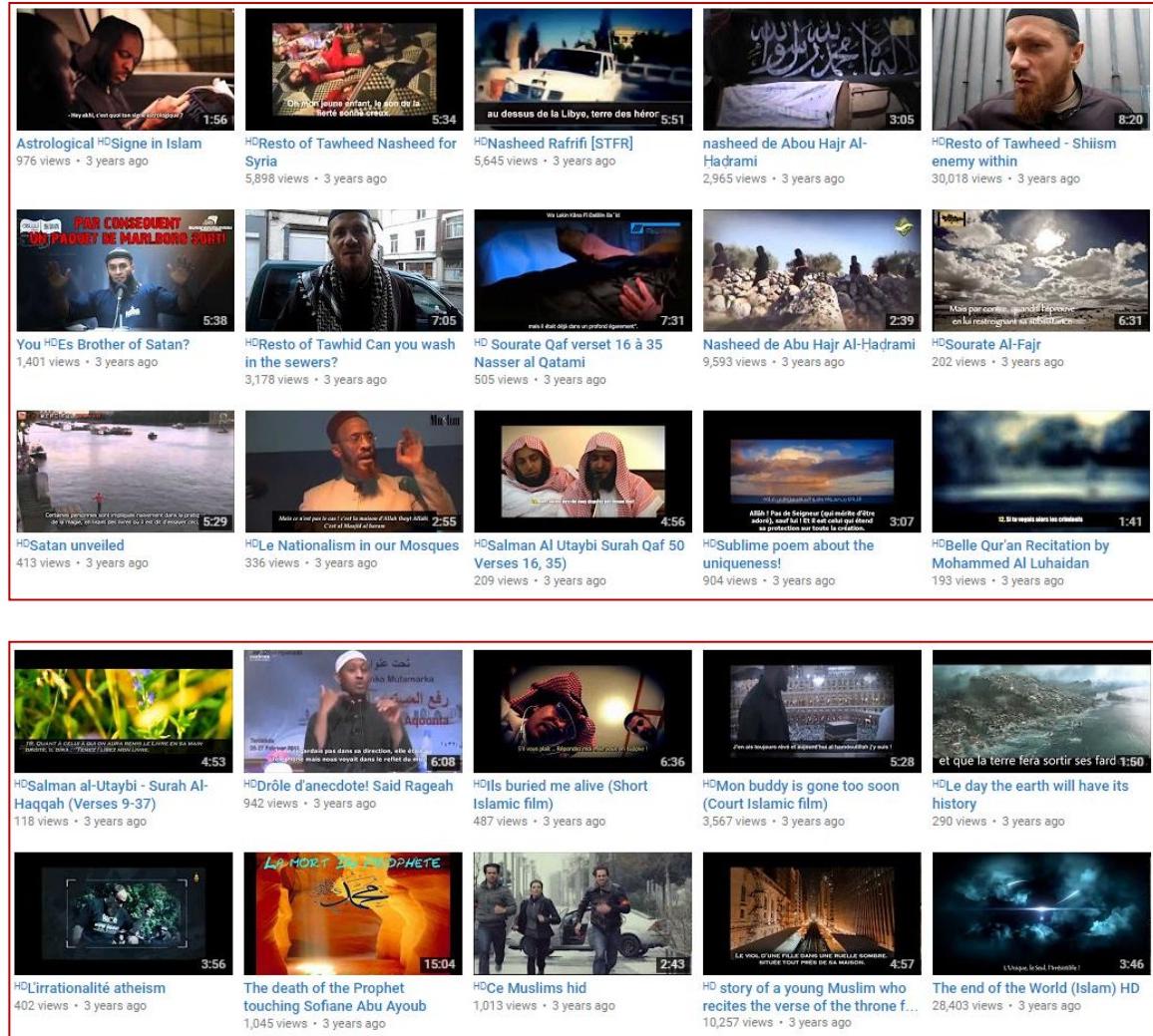


Figure 36 screen clips from one of Sharia4Belgium's YouTube channels

360. Although these three Belgian recruiting networks appear to have initially operated each within its own sphere, over time there was significant overlap and coordination among them.

361. Denis served as a key connection between Sharia4Belgium and “The Zerkani Network.”

362. Denis became the leader of the Brussels branch of Sharia4Belgium, and he and an assistant named Mohamed Khemir (“Khemir”) often participated in meetings together with Zerkani.

363. Khemir even accompanied Zerkani at least once when they brought a French recruit to the Brussels airport to travel to Syria.

364. Abaaoud, considered the operational leader of the Paris Attack, was among the recruits of Zerkani.

365. Abaaoud was a dual Belgian-Moroccan national born in Brussels in 1987.

366. Between 2006 and 2012, Abaaoud was arrested several times, resulting in various light sentences including community service, probation, and jail time.

367. After his release from jail in September 2012, Abaaoud became heavily involved in the Zerkani Network, and by March 2013 Abaaoud traveled to Syria to join ISIS with six others from Belgium.

368. Abaaoud joined ISIS and took on the names “Abou Omar al-Soussi” and “Abu Omar al-Beljiki.”

369. Abaaoud was an active user of social media, including YouTube, Facebook, and Twitter.

370. On or about July 15, 2013, Abaaoud opened a Facebook account under the name “Abou Omar Soussi”.³⁹

371. Abaaoud mentioned ISIS as his affiliation on this Facebook account.

372. Abaaoud returned to Belgium about September 2013.

373. According to investigators, while back in Belgium, Abaaoud received a telephone call from ISIS member Mehdi Nemmouche, a French national who carried out a terrorist attack in May 2014 at a Jewish museum in Brussels, Belgium, murdering four people.

374. In January 2014, Abaaoud brought his 13-year-old brother Younes out of Brussels, and the two traveled to Syria.

³⁹ <https://emmejihad.wordpress.com/2014/03/27/more-about-13-year-old-isis-fighter-from-belgium/>.

(footnote continued)

375. On or about February 8, 2014, Abaaoud posted the following picture of himself on his Facebook account with the message: “Abou Omar the Belgian in the trenches”:⁴⁰



Figure 37 Abaaoud Facebook Photograph

376. In March 2014, Abaaoud posted a link on his Facebook account to an ISIS recruiting video on YouTube in which Abaaoud and other ISIS members in Syria and Iraq appear, describing their life and role in ISIS.⁴¹

377. The following are screen clips from the ISIS video on YouTube from March 2014 featuring Abaaoud:



⁴⁰ https://emmejihad.files.wordpress.com/2014/03/1800367_1462846350604915_1158723451_n.jpg.

⁴¹ Guy Van Vlierden, “More about 13 year old ISIS fighter from Belgium,” *emmejihad: ExcuseMeMyEnglish—A research blog about jihad in and out of Belgium* (Mar. 27, 2014), <https://emmejihad.wordpress.com/2014/03/27/more-about-13-year-old-isis-fighter-from-belgium/>.



Figure 38 Screen clips from ISIS video

378. In the March 2014 ISIS YouTube video, Abaaoud gave a monologue (in French) recruiting *jihadi* fighters for ISIS in which he stated:⁴²

“Here I am in a trench, as you can see, protecting myself from the bullets, the shelling of the enemy—the apostates who are fighting us because we want to instate Islamic law. They advance towards us with tanks, heavy artillery, and many men. We are about 50 men in front of them. Most of us are carrying simple Kalashnikovs, a few RPGs, and a few PKC [machine guns]... Admittedly, there is no joy in spilling blood, although it’s nice to see from time to time, the blood of the infidels, because we were educated, growing up, seeing all over the world, on TV, the blood of the Muslims, which for decades has been shed... I would like to send a message to those who stay put and do not wage jihad: Arise and go forth to fight in the path of Allah. Go forth to victory in this world and in the Hereafter... Is there anything better than jihad and martyrdom in the path of Allah? What can be sweeter than martyrdom in the path of Allah? ... Some of us had to leave behind our wives, our mothers, our fathers, and our property. We left our lives in this world for the sake of Allah, to elevate the word of Allah... When I lived in Europe, I never ate food like I have eaten here. I entered villas, palaces! ... Hasten to jihad, hasten to jihad! Hasten before it is too late. The enemies of Allah and of Islam have gathered worldwide, starting with the so-called ‘peaceful’ Buddhists, who exterminate, decapitate, rip apart, and eat the Muslims in Asia, or the Africans in Central Africa, who kill the Muslims, or the Westerners, or the Shiites, may Allah curse them. They are all gathered against the Sunni Muslims, who want the victory of Allah. For an hour a sniper has been trying to get me, but by the will of Allah, he won’t succeed. And if he does get me, if will be the will of Allah, the destiny of Allah, and I will be satisfied... For the sincere believers, I will pray that Allah will guide them, help them, ease them, and support them, to go forth to jihad in the path of Allah. For those who are tyrants, their soldiers, and their worshippers, may Allah break your backs and

⁴² “From The MEMRI TV Archives—Most-Wanted Suspect In Paris Attacks Speaks From The Trenches In Syria In March 2014: ‘It’s Nice to See ... The Blood Of The Infidels,’” *Middle East Research Institute* (Nov. 16, 2015), <http://www.memrijtm.org/content/view/print/report/8861>.

exterminate you. Allah willing, He will exterminate you in the world and the Hereafter. This is your brother in Allah, Abu Omar AlBelgiki.”

379. Laachraoui, who prepared the explosives for the suicide bombs used in the Paris Attack and carried out his own suicide bombing in a subsequent ISIS terror attack in Brussels in March 2016, was involved with Belkacem’s Sharia4Belgium in 2012.

380. Laachraoui was seen on videos together with Denis and other Sharia4Belgium members at demonstrations in front of the Myanmar embassy in Schaerbeek, Belgium.⁴³

381. Laachraoui was also considered one of Zerkani’s ISIS recruits, and traveled to Syria in 2013.

382. Laachraoui’s social media accounts show that he actively followed ISIS social media accounts and posted links to *jihadi* YouTube videos on his own accounts as well.

383. While in Syria, Laachraoui guarded prisoners for ISIS, and was known for torturing prisoners and staging mock executions before they were beheaded.⁴⁴

384. The stated goal of ISIS is to use social media, including Defendants’ platforms, services, computers, and communications equipment, to assist in carrying out their terrorist attacks throughout the world.

385. France has become a “central target” of ISIS’s campaign of terror attacks.

386. ISIS’s terror attacks are primarily organized through online social media platforms and communication services, like Defendants’ websites. Defendants’ services allow ISIS to carry

⁴³ Julien Balboni, “Najim Laachraoui se racontait sur Twitter et Facebook,” *DH.be* (May 7, 2016), <http://www.dhnet.be/actu/faits/najim-laachraoui-se-racontait-sur-twitter-et-facebook-572cc92c35702a22d7189992>.

⁴⁴ Neil Syson and Tom Wells, “Brussels Airport bomber tortured Brits Alan Henning and David Haines in a Syrian jail before they were beheaded by Jihadi John,” *The Sun* (May 19, 2016), <https://www.thesun.co.uk/archives/news/1174565/brussels-airport-bomber-tortured-brits-alan-henning-and-david-haines-in-a-syrian-jail-before-they-were-beheaded-by-jihadi-john/>.

(footnote continued)

out its terrorist activities, including recruiting, radicalizing, and instructing terrorists, raising funds, and creating fear.

387. Since 2014, the Islamic State’s spokesman, Abu Muhammad al-Adnani, has called for ISIS followers to attack Westerners in retaliation for strikes by the United States-led coalition fighting ISIS in Iraq and Syria.⁴⁵

388. al-Adnani has repeatedly singled out France, which is part of the coalition, as a main enemy.⁴⁶

389. France’s Minister of Defense, Jean-Yves Le Drian, has stated that ISIS has targeted “Frenchmen, in particular, or Americans, wherever they are, by any means necessary.”⁴⁷

390. ISIS provides its followers and those radicalized with detailed descriptions of how to carry out terrorist attacks by “any means necessary” by disseminating its terrorist propaganda through the use of Defendants’ websites. This propaganda is used to train operatives, plan, and execute acts of international terrorism.

C. ISIS vs. the United States, France, and their Allies

391. On August 18, 2014, the United States Government named ISIS spokesman Abu Muhammad al-Adnani personally as a Specially Designated Global Terrorist (“SDGT”).

392. In September 2014, ISIS used YouTube to post an audio message from ISIS spokesman Abu Muhammad al-Adnani titled “Verily Your Lord is Ever Watchful,” in which he urged ISIS supporters worldwide to perform terrorist attacks against countries that participated in fighting against ISIS, and in particular, against the United States, France, and other European nations.

⁴⁵ <https://www.nytimes.com/2016/07/17/world/europe/isis-nice-france-attack.html>

⁴⁶ *Id.*

⁴⁷ *Id.*

393. The following are translated excerpts from al-Adnani's September 2014 message:

"[To the U.S. and its allies:] We promise you that this campaign will be your last and it will collapse and fail, just as all your other campaigns collapsed. But this time, when the war ends we will be the ones to invade your countries, whereas you will no longer invade [ours]. We will invade your Rome, break your Cross and enslave your women, with Allah's help. This is His promise and he will not break it until it is realized. And if we do not achieve this, our sons or grandsons will, and they will sell your sons and grandsons as slaves.

...

[To American and Europeans:] The Islamic State did not launch a war against you, as your lying governments and your media claim. You are the ones who initiated hostilities against us, and the [side] that initiates hostilities is the evil one. You will pay [for it] dearly when your economies collapse. You will pay dearly when your sons are sent to fight us and return crippled and damaged, in coffins or as lunatics. You will pay when each of you feels afraid to travel abroad. You will pay when you walk the streets in trepidation, for fear of Muslims. You will not be safe in your own beds. You will pay the price when your Crusader war fails, and then we invade the very heart of your countries.

...

[To Muslims:] O monotheist, don't sit out this war, wherever you may be. [Attack] the tyrants' soldiers, their police and security forces, their intelligence [forces] and collaborators. Cause them to lose sleep, make their lives miserable, and cause them to be preoccupied with their own [problems]. If you are able to kill an American or European infidel – particularly any of the hostile, impure Frenchmen – or an Australian or a Canadian, or any [other] infidel enemy from the countries that have banded against the Islamic State, then put your trust in Allah and kill him, by any way or means. Do not consult anyone and do not seek a *fatwa* [religious ruling] from anyone. It is immaterial if the infidel is a combatant or a civilian. Their sentence is one; they are both infidels, both enemies. The blood of both is permitted . . . The best thing to do would be to kill any French or American infidel or any of their allies . . . If you cannot [detonate] a bomb or [fire] a bullet, arrange to meet alone with a French or an American infidel and bash his skull in with a rock, slaughter him with a knife, run him over with your car, throw him off a cliff, strangle him, or inject him with poison. Don't stand by, helpless and abject . . . If you are incapable even of this – then spit in his face. And if you refuse [to do] this while your brothers

are being bombed and killed and their lives and property are under attack everywhere, then examine your faith. This is a serious matter you face, for the Islamic faith is predicated upon the principle of loyalty to Muslims and hostility toward infidels.”⁴⁸

394. On October 14, 2014, ISIS used YouTube to release a video message directed to the people of France, titled “Message of the Mujahid 3.”

395. The “Message of the Mujahid 3” YouTube video featured a French-speaking member of ISIS, sitting in the driver’s seat of a car with a rifle, threatening France with terrorist attacks and calling upon Muslims to carry out attacks.

396. The following are screen clips from ISIS’s “Message of the Mujahid 3” video:



Figure 39 Clips from “Message of the Mujahid 3”

397. The following is a translation of excerpts from the French-speaker’s statement in the Message of the Mujahid 3 video posted on YouTube:

“We will give a message to France over the bombing in Iraq and Syria. We have warned, you are at war against the Islamic State. We are people to whom the victory will be assured with the help God. Now you have been warned.

...

You have so many murders and killings as did our dear brother Mohamed Merah. You were afraid of a brother, there will be thousands in the future.

...

This is a message to all Muslims of France. Enjoy and see what happens in the world. They gathered against us. Why, because we are defending Islam and because we want to apply the law of Allah. . . . You say that we’re the criminals. But they’re

⁴⁸ See “Responding To U.S.-Led Campaign, IS Spokesman Calls To Kill Westerners, Including Civilians, By Any Means Possible,” The Middle East Research Institute (MEMRI) (Sept. 22, 2014), <http://www.memrijtm.org/content/view/print/blog/7825>.

the cowards who drop bombs in their sky. We will take revenge for all the brothers and all the civilians who were killed.

...

You will not be safe anywhere in France or in other countries. We will make appeals to all brothers who live in France to kill any civilian. You will never be safe. All murders you committed, you will regret it.”

398. Prior to the Paris Attack, ISIS carried out and attempted several other terror attacks in Paris, Nice, and Belgium.

399. For example, on January 15, 2015, Belgian commandos thwarted an ISIS terrorist plot (the “Verviers Plot”) when they raided a safe house in Verviers, Belgium, killing ISIS terrorists Sofiane Amghar (“Amghar”) and Khalid Ben Larbi (“Larbi”), and arresting a third conspirator.

400. In the safe house, police found AK-47 assault rifles, components of the explosive TATP, GoPro cameras, and police uniforms.

401. Officials reported that the Verviers Plot had included a planned beheading of a police officer that was to be filmed.

402. Police investigators determined that Abaaoud had been in contact with the three Verviers terrorists via cellphone in Greece at the time of the raid, and was involved in the Verviers Plot.

403. In February 2015, ISIS released the seventh issue of its online English-language magazine *Dabiq*.

404. ISIS’s *Dabiq* Issue 7 featured an interview of Abaaoud, and included the following photograph of Abaaoud (a/k/a Abu Umar al-Baljiki) walking with Amghar (a/k/a Abu Khalid al-Baljiki) and Larbi (a/k/a Abuz-Zubayr al-Baljiki), the ISIS terrorists who were supposed to carry out the Verviers Plot but who were killed in the Verviers raid.

405. The following are pictures from the *Dabiq* Issue 7:



Figure 40 Photographs from Dabiq

406. In the *Dabiq* Issue 7 interview, Abaaoud insinuated that he had been in Belgium himself, stating: “I was able to leave and come to *Sham* [Syria] despite being chased after by so many intelligence agencies. My name and picture were all over the news yet I was able to stay in their homeland, plan operations against them, and leave safely when doing so became necessary.”

407. On February 11, 2015, ISIS released its second issue of its online French-language magazine *Dar al-Islam*, with the cover-line “May Allah [God] Curse France.”

408. The following is a picture of the cover of *Dar al-Islam* Issue 2:



Figure 41 Cover of *Dar al-Islam*

409. ISIS’s *Dar al-Islam* online French-language magazine is dedicated to recruiting French-speaking members for ISIS and promoting attacks against France and other western countries.

410. *Dar al-Islam* Issue 2 was released shortly after a series of Islamist terrorist attacks in Paris had taken place from January 7-9, 2015: in one attack, two “*al-Qaeda* in the Arabian Peninsula” (“AQAP”) terrorists shot and killed 11 civilians and a police officer and wounded 11 others in a shooting attack at the office of the *Charlie Hebdo* satire magazine; immediately afterward, ISIS terrorist Amedy Coulibaly (“Coulibaly”) shot and killed a police officer and a jogger, and then killed four Jewish shoppers and took others hostage at a Hypercacher kosher supermarket.

411. *Dar al-Islam* Issue 2 praised and justified these attacks, and featured pictures of Coulibaly and an interview with his wife, Hayat Boumeddiene.

412. The issue also called for more terrorist attacks against France and other western countries; for example, one article in this issue included the following statement:

The disbeliever states have understood the consequences of the return of the Caliphate: the end of the domination by the Jews, the Crusaders and their allies. Every sincere Muslim must migrate to one of the regions of the Islamic State, the land of Islam, and leave the land of disbelief led by the worst *tawaghit* [tyrants] of this world, who constantly war against our community. The time has come for the believers to go forth, to recover the land, and not to let these tyrants rest for one second. . . . France needs to mourn its dead as we mourn our own; may they see the blood of their own people flow like we see that of our own.

413. Also in February 2015, French-born ISIS leader Salim Benghalem (“Benghalem”), who was personally named as a Specially Designated Global Terrorist (“SDGT”) by the U.S. Government in September 2014, appeared unmasked in an ISIS YouTube video praising the *Charlie Hebdo* and Hypercasher terror attacks and the terrorists who carried them out; he also called for more ISIS attacks in France, exclaiming, “Kill them with knives,” and claimed that ISIS would carry out more attacks in Europe.

414. Investigators have subsequently determined that Benghalem also played a leadership and planning role in the November 2015 Paris Attack that injured the victims in this case.

415. In June 2015, French police took an ISIS recruit named Nicholas Moreau (“Moreau”) into custody after he was deported from Turkey.

416. Under interrogation, Moreau told the police that Abaaoud was “the principal commander of future attacks in Europe,” and had been given the task by ISIS of examining the background of potential recruits for those attacks.⁴⁹

417. After arresting Moreau, French police arrested another ISIS recruit in 2015 named Reda Hame (“Hame”) before he was able to carry out a planned terrorist attack.

418. During his interrogation on August 13, 2015, Hame told the police that in June 2015 ISIS had given Hame hands-on training in a park in Raqqa on the use of Kalashnikov assault rifles and grenades.

419. Hame told police that he was directed to choose “an easy target, like a group of people, a concert for example, where there is a crowd,” and instructed Hame that after carrying out the attack, he should wait for police to arrive and “die while killing the hostages.”

420. Hame said he was told that “if lots of civilians were hit, the foreign policy of France would change.”

421. Asked by police whether he was aware of any pending attacks, Hame replied: “All I can tell you is that it’s going to happen soon. It’s a veritable factory over there – they are really looking to hit France or Europe.”⁵⁰

D. The Paris Attack

⁴⁹ Paul Cruickshank, “The inside story of the Paris and Brussels attacks,” CNN (Mar. 30, 2016), <http://edition.cnn.com/2016/03/30/europe/inside-paris-brussels-terror-attacks/index.html>.

⁵⁰ *Id.*

422. By the end of September 2015, Abaaoud had again slipped back into Europe.

423. In early September 2015, Abaaoud's childhood friend Salah Abdeslam ("Abdeslam") traveled to Hungary to pick up two ISIS members, Mohammed Belkaid ("Belkaid") and Najim Laachraoui ("Laachraoui"), who had arrived from Syria using fake identities.

424. On September 9, 2015, Abdeslam, driving a rented Mercedes, was checked by authorities at the Hungarian-Austrian border on his way back to Belgium with Belkaid and Laachraoui.

425. On October 3, 2015, two Iraqi ISIS members arrived at the Greek island of Leros on a boat with nearly 200 migrants.

426. Using fake Syrian passports, the two Iraqis registered as refugees, took a ferry to Athens, and then traveled through the Balkans, Hungary, and Austria to meet the other ISIS conspirators in Belgium.

427. Abaaoud appears to have been the operational leader of the ten ISIS terrorists who would execute the Paris Attack.

428. Belkaid and Laachraoui were ISIS members who would remain in Belgium and communicate with the attackers via cellphone to coordinate the attacks.

429. Laachraoui was also the bomb-maker who prepared the TATP explosive suicide-belts that were worn and used by the ISIS terrorists who would execute the Paris Attack.

430. From approximately early September 2015 until shortly before the Paris Attack, the ISIS conspirators of the Paris Attack gathered in three safe houses in Belgium.

431. Between November 11 and November 13, 2015, the ISIS members who were to execute the Paris Attack moved from Belgium to Paris, where they divided themselves between two locations: a hotel and a rented house.

432. On the night of November 13, 2015, the ISIS terrorists in Paris split into three groups: one group set out in a black Renault Clio driven by Abdeslam, with Hadfi and the two Iraqis (the three “Stadium Attackers”) as passengers; a second group travelled in a black Seat Leon driven by Abaaoud, with Brahim and Akrouh as passengers (the three “Café Attackers”); and the third group consisting of Mostefai, Amimour, and Agged (the three “Bataclan Attackers”) rode in a black Volkswagen Polo.

433. Shortly before 9:00 p.m., Abdeslam dropped the Stadium Attackers off outside the Stade de France (the “National Stadium”) in Paris, and then drove away.

434. French President Francois Hollande was at the National Stadium at the time.

435. Beginning at about 9:05 p.m., a security guard at Gate R blocked one of the Iraqis four times trying to sneak into the stadium.

436. At about 9:20 p.m., one of the Iraqi suicide bombers (with a fake Syrian passport in the name Ahmad al Mohammad) blew himself up outside Gate D, killing one other person. Hadfi was on the phone with Abaaoud at the time.

437. At about 9:20 p.m., Abaaoud was driving a black Seat Leon with Brahim and Akrouh as passengers on the Rue Bichat towards Paris’s café district.

438. At about 9:25 p.m., a car blocked Abaaoud’s path on Rue Bichat. Five shots were fired from the Seat Leon, killing the driver of the blocking car.

439. Abaaoud then stopped the car in the middle of the road and turned on the hazard lights. Abaaoud, Brahim, and Akrouh got out of the car shouting “Allahu Akbar” and, using Kalashnikov AK-47 assault rifles, they opened fire on people at the Petit Cambodge Cambodian restaurant on Rue Bichat and the La Carillon bar on the other side of the road, killing 13 people.

440. The three terrorists got back into the black Seat Leon car and drove on.

441. At about 9:30 p.m., the second Iraqi suicide bomber exploded outside Gate H at the national stadium. Fortunately, no one besides the bomber was killed.

442. At about 9:32 p.m., the black Seat Leon stopped again. Abaaoud, Brahim, and Akrouh got out of the car and, shouting “Allahu Akbar,” they opened fire at patrons at the Casa Nostra pizzaria and Bonne Biere café near the Place de la Republique square. This time they murdered five people, before jumping back into the car.

443. At about 9:36 p.m., Abaaoud, Brahim, and Akrouh opened fire at the La Belle Equipe café on Rue de Charrone, killing 19 people. Most of those who were murdered at this café were sitting on the outdoor terraces. A witness reported that the three terrorists did not speak to each other as they calmly sprayed bullets at the cafés and at cars travelling down the road.

444. The black Seat Leon then sped to a new location.

445. At about 9:40 p.m., Abaaoud dropped off Brahim, who was wearing a hooded jacket over several layers of clothing, at the Comptoir Voltaire café. Brahim entered the covered interior terrace of the café, smiled at the patrons, apologized for interrupting their dinner, and blew himself up.

446. Abaaoud and Akrouh next drove toward the Montreuil suburb of Paris, where they abandoned the black Seat Leon car.

447. At about 9:40 p.m., Mostefai, Amimour, and Agged, driving a black Volkswagen Polo, pulled up in front of the Bataclan Theatre concert hall in Paris and parked the car.

448. At about 9:42 p.m., one of the three terrorists in the black Volkswagen Polo sent a text message on a Samsung smartphone to a cellphone in Brussels: “We’re getting going; we’re starting.” He then tossed the phone into a trash can near the entrance of the concert hall.

449. Police recovered the Samsung smartphone from the trash can after the Paris Attack, and determined that the text message was received in Brussels on a cell phone used by Belkaid.

Police also determined that a second cellphone in Brussels, used by either Belkaid or Laachraoui, was also communicating with Hadfi and Abaaoud during the Paris Attack.

450. The three Bataclan attackers first killed three people outside the concert hall, then went in and moved to the concert floor, shooting people and shouting “Allahu Akbar.” As one terrorist fired his weapon, another reloaded so they could kill as many as possible. The third terrorist stood at the emergency exit and attacked people who attempted to escape.

451. The terrorists spoke French, telling the wounded on the floor: “Anybody who moves, I’m going to kill.”

452. At about 9:50 p.m., Hadfi, the third national stadium suicide bomber, exploded next to a McDonald’s restaurant nearby the stadium, injuring more than 50 people.

453. After the Bataclan attackers’ initial wave of killing, they briefly stopped and were heard to say: “Where is the singer? Where are those Yanks? It’s an American group, you’re bombing us with the Americans, so we’re going to hit the Americans and you.”

454. The Bataclan terrorists told those on the floor that they had been dispatched from Syria by ISIS to carry out the attack to avenge French airstrikes in Iraq and Syria.

455. At about 10:00 p.m., two French police officers arrived at the Bataclan hall and shot Amimour. As Amimour fell to the floor, he detonated his suicide vest.

456. Mostefai and Agged took some of the surviving concert-goers and herded them into a corridor inside the Bataclan building to hold as hostages.

457. At about 10:45 p.m., French “RAID” commandos arrived and began communicating with Mostefai and Agged. The two terrorists in the Bataclan threatened to execute their hostages unless they received a signed paper promising that France would leave Muslim lands.

458. In the meantime, Abaaoud had taken the metro back into Paris to coordinate the Bataclan attack. He was seen by a witness outside the concert hall yelling orders into a hands-free cellphone.

459. Just after midnight, the RAID commandos stormed the concert hall, rescuing the hostages alive. Mostefai and Agged were both shot by police, and at least one of them managed to detonate his suicide vest.

460. By the end of the Paris Attack, the ISIS terrorists had murdered 130 people and injured nearly 400.

461. Seven of the ten ISIS terrorist attackers were dead, leaving only Abaaoud, Akrouh, and Abdeslam alive.

462. The Paris Attack was the deadliest attack on France since World War II and the deadliest in the European Union since the Madrid train bombings in 2004.

E. The Aftermath of the Paris Attack

463. On November 14, 2015, ISIS issued a written statement in several languages (including Arabic, French, and English) titled “A Statement on the Blessed Onslaught in Paris against the Crusader Nation of France,” in which ISIS claimed responsibility for the Paris Attack.

464. The following are copies of the Arabic and English versions of ISIS’s written statement claiming responsibility for the Paris Attack:

أجل على فرنسا الصليبية

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

قَالَ تَعَالَى: (وَظَلَّلُوا أَهْلَمْ مَا يَعْتَقِدُهُمْ خَطْوَهُمْ مِّنَ اللَّهِ فَأَثَاهُمُ اللَّهُ مِنْ حَيْثُ لَمْ يَخْتَصُّوا وَقَدْ فِي قَلْوَبِهِمُ الْغُبَّةُ يُجْرِيُونَ بِيَدِهِمْ بِأَيْدِيهِمْ وَأَيْدِي الْفَوَّارِينَ فَاغْتَرَبُوا يَا أَوْلَى الْأَبْصَارِ).

فِي غَزْوَةِ مَبَارَكَةٍ يَسِّرُ اللَّهُ لَهَا أَسْبَابُ التَّوْهِيقِ، انتَلَقَتْ مَائِةً مَؤْمِنَةً مِنْ جَنْدِ الْخَلَافَةِ أَعْرَاهَا اللَّهُ وَنَصَرَهَا، مَسْتَهْدِفِينَ عَاصِمَةَ الْعَهْرِ وَالرَّدِيَّةِ، وَاحْمَلْتُمُ الْأَوْلَادَ الصَّلَبَ فِي أُورُوبَا (بارِيس)، فَتَيَّةً طَلَّقُوا الدِّنَيَا وَأَقْدَمُوا عَلَى عَدُوِّهِمْ يَبْتَغُونَ الْقَتْلَ فِي سَبِيلِ اللَّهِ تَعَذُّرَةِ دِينِهِ وَبَنِيَّهِ صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَوْلَيْهِ، وَرَغْمًا لِأَسْفِ أَعْدَاءِهِ، فَصَدَقُوا اللَّهُ تَعَالَى بِهِمْ كَذَّكَ، هَفْتَخَ اللَّهُ عَلَى أَيْدِيهِمْ وَأَلْقَى فِي قُلُوبِ الصَّلَبَيِّينَ الرَّعْبَ بِعَقْدِ دَارِهِمْ.

حِيثُ قَامَ ثَمَانِيَّةُ إِخْوَةٍ مُلْتَحِفِينَ أَحْزَمَةً نَاسِفَةً وَبِنَادِقَ رِشَاشَةً بِاسْتَهْدَافِ مَوَاقِعِ مُنْتَخَبَةٍ بِدَقَّةٍ فِي قَاتِلِ عَاصِمَةِ فَرَنْسَا، مِنْهَا مُلْعَبُ (دي فَرَانِس) أَثْنَاءَ مَبَارَةِ فَرِيقِيِّ الْأَمْرِيَّا وَفَرَنْسَا الصَّلَبَيِّيَّيْنَ حِيثُ كَانَ مَعْتَوِّهُ فَرَنْسَا (فرَانِسَا وَأُولَانِدْ) حَاضِرًا، وَمَرْكَزُ (باِتَّاكَلُونْ) لِلْمُؤَنَّدَاتِ حِيثُ تَجَمَّعَ الْمَئَاتُ مِنَ الْمُشَرِّكِيْنَ فِي حَفَّةٍ عَهْرٍ فَاجْرَةً، وَأَهَدَافًا أَخْدَرَى فِي الْمَنْطَقَةِ الْعَاشِرَةِ وَالْهَادِيَّةِ عَشَرَ وَالثَّامِنَةِ عَشَرَ وَبِصُورَةٍ مُتَزَامِنَةٍ، فَتَزَلَّكَتْ بَارِيسٌ تَحْتَ أَقْدَامِهِمْ، وَضَاقَتْ عَلَيْهِمْ شَوَارِعُهَا، وَكَانَتْ مَحْضَةُ الْهَجَمَاتِ هَلَكَ مَا لَيْقَلَّ عَنْ مَائِتَيِّ صَلَبَيِّيٍّ وَإِصَابَةً أَكْثَرَ مِنْ ذَلِكَ وَلَلَّهُ الْحَمْدُ وَالْمَثْنَةُ وَالْفَضْلُ.

وَقَدْ مِنَ اللَّهِ عَلَى إِخْوَانِنَا وَرَزْقَهُمْ مَا يَجِدُونَ فَنَجَّرُوا أَحْزَمَتِهِمْ فِي جَمْعَ الْكَفَّارِ بَعْدِ تَفَادِ ذَخِيرَتِهِمْ، نَسَّالَ اللَّهُ أَنَّ يَتَقبَّلُهُمْ فِي الشَّهَادَةِ وَيَلْحَقُنَا بِهِمْ.

وَلَتَعْلَمْ فَرَنْسَا وَمَنْ يَسِيرُ عَلَى دُرُّبِهِ أَهْلُمْ سَيَبْقَوْنَ عَلَى أَهْلِيَّةِ أَهَدَافِ الدُّولَةِ الإِسْلَامِيَّةِ، وَأَنِّي حَاتِحةُ الْمَوْتِ لِنَ تَفَارِقْ أَنُوْهُمْ مَا دَامُوا فَقَدْ تَصَدَّرُوا رَكْبَ الْحَمَلَةِ الصَّلَبَيِّةِ، وَتَجْرَأُوا عَلَى سَبِّ نَبِيِّنَا صَلَى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَتَفَاخَرُوا بِحَرْبِ الإِسْلَامِ فِي فَرَنْسَا، وَضُرُوبِ الْمُسْلِمِيْنَ فِي أَرْضِ الْخَلَافَةِ بِطَرَائِهِمُ الْجَيْشِيَّةِ الْمُنْتَصِرِيَّةِ، وَأَرْقَتُهُمُ التَّنْتَنَةُ، وَإِنَّ هَذِهِ الْغَزْوَةَ أَوْلَى الْفَيْثَ وَإِنْدَازُ لِمَنْ أَرَادَ أَنْ يَعْتَبِرَ.

وَاللَّهُ أَكْبَرُ

{وَلِلَّهِ الْعِزَّةُ وَإِرْسَوْلِهِ وَلِلْمُؤْمِنِيْنَ وَلَكِنَّ الْمُنَافِقِيْنَ لَا يَعْلَمُوْنَ}

A Statement on the Blessed Onslaught in Paris against the Crusader Nation of France

BREAKING NEWS

FRANCE 2 Safar 1437

In the Name of Allah, the Most Merciful, the Most Beneficent

Allah (ta'ala) said, {They thought that their fortresses would protect them from Allah; but Allah came upon them from where they had not expected, and He cast terror into their hearts so they destroyed their houses by their own hands and the hands of the believers. So take warning, O people of vision} [Al-Hashr: 2].

In a blessed battle whose causes of success were enabled by Allah, a group of believers from the soldiers of the Caliphate (may Allah strengthen and support it) set out targeting the capital of prostitution and vice, the lead carrier of the cross in Europe – Paris. This group of believers were youth who divorced the worldly life and advanced towards their enemy hoping to be killed for Allah's sake, doing so in support of His religion, His Prophet (blessings and peace be upon him), and His allies. They did so in spite of His enemies. Thus, they were truthful with Allah – we consider them so – and Allah granted victory upon their hands and cast terror into the hearts of the crusaders in their very own homeland.

And so eight brothers equipped with explosive belts and assault rifles attacked precisely chosen targets in the center of the capital of France. These targets included the Stade de France stadium during a soccer match – between the teams of Germany and France, both of which are crusader nations – attended by the imbecile of France (Francois Hollande). The targets included the Bataclan theatre for exhibitions, where hundreds of pagans gathered for a concert of prostitution and vice. There were also simultaneous attacks on other targets in the tenth, eleventh, and eighteenth districts, and elsewhere. Paris was thereby shaken beneath the crusaders' feet, who were constricted by its streets. The result of the attacks was the deaths of no less than two hundred crusaders and the wounding of even more. All praise, grace, and favor belong to Allah.

Allah blessed our brothers and granted them what they desired. They detonated their explosive belts in the masses of the disbelievers after finishing all their ammunition. We ask Allah to accept them amongst the martyrs and to allow us to follow them.

Let France and all nations following its path know that they will continue to be at the top of the target list for the Islamic State and that the scent of death will not leave their nostrils as long as they partake in the crusader campaign, as long as they dare to curse our Prophet (blessings and peace be upon him), and as long as they boast about their war against Islam in France and their strikes against Muslims in the lands of the Caliphate with their jets, which were of no avail to them in the filthy streets and alleys of Paris. Indeed, this is just the beginning. It is also a warning for any who wish to take heed.

Allah is the greatest.

(And to Allah belongs all honor, and to His Messenger, and to the believers, but the hypocrites do not know) [Al-Munafiqun: 8].

Figure 42 Screen clip of ISIS statement

465. On November 14, 2015, ISIS used YouTube to release an audio message again claiming responsibility for the Paris Attack. The voice of the ISIS representative who spoke in the audio message was identified as ISIS member Fabian Clain.

466. On November 17, 2015, ISIS used YouTube to release a video message in French titled “Fight Them: With Your Hands Allah Will Punish Them,” featuring four French-speaking ISIS members praising and justifying the Paris Attack, and threatening additional attacks.

467. On November 18, 2015, ISIS used YouTube to release another video message titled “What’s Coming Will Be Even Worse,” featuring three French-speaking ISIS members praising the Paris Attack and threatening additional attacks.

468. On November 18, 2015, ISIS used YouTube to release another video message titled “And our soldiers will prevail,” featuring a *jihadi* song in French titled “Go Forth, Go Forth” calling for attacks against ISIS’s enemies, praising the Paris Attack and threatening additional attacks.

469. Also on November 18, 2015, ISIS released the twelfth issue of its online English-language magazine *Dabiq*, which featured the Paris Attack on its cover as shown here:



Figure 43 ISIS Dabiq magazine

470. On November 30, 2015, ISIS used Twitter to release the seventh issue of its online French-language magazine *Dar al-Islam* titled “France at its knees,” which praised the Paris Attack, and included a graphic multi-page photo montage of the attack.

471. The following are pictures from *Dar al-Islam* Issue 7:

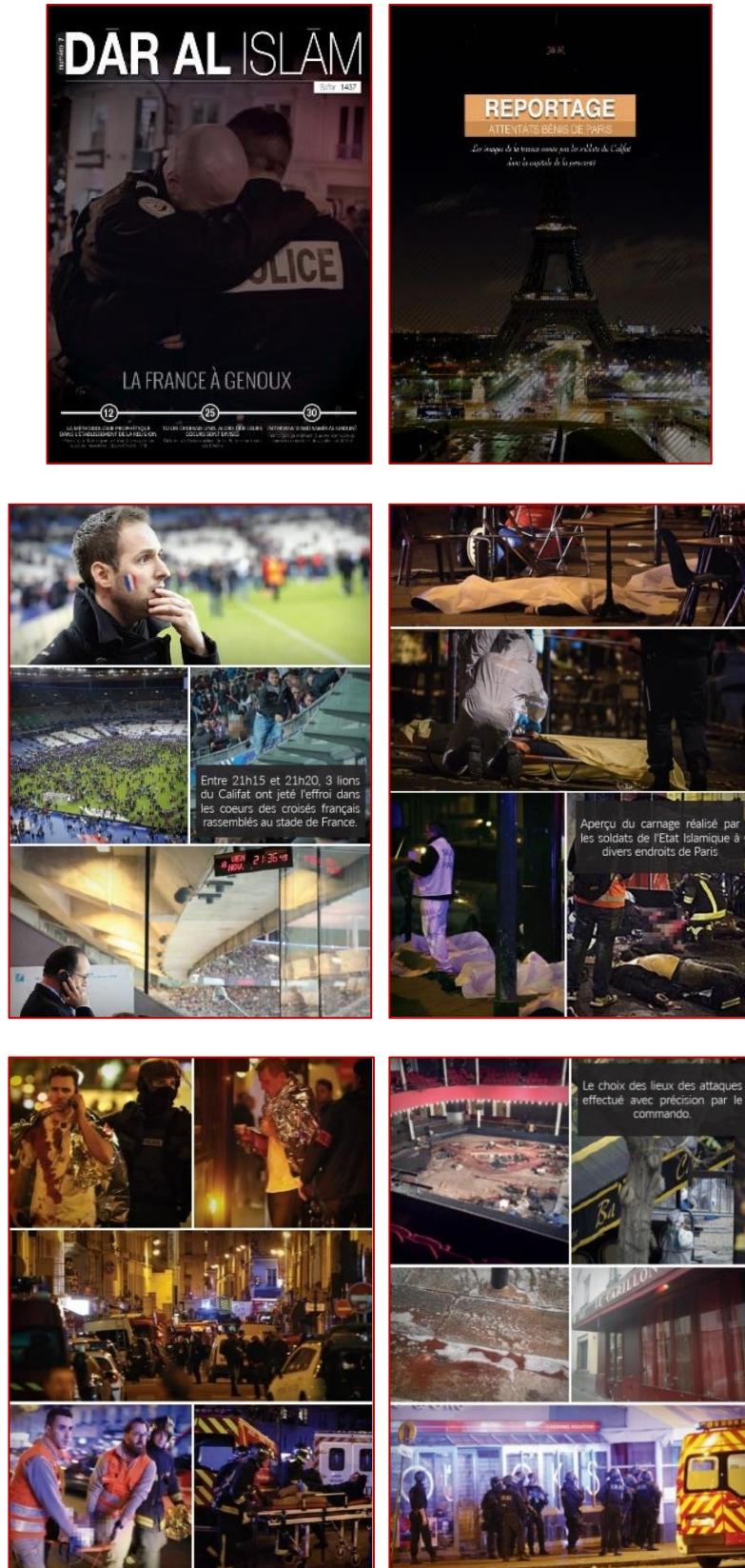


Figure 44 Dar al-Islam Issue 7

472. On January 24, 2016, ISIS's official *al-Hayat* Media Center used YouTube to release a video titled, "Kill Them Wherever You Find Them," featuring the Paris attackers (the "Paris Attackers Video").

473. The following is an ISIS graphic promoting the Paris Attackers Video:



Figure 45 Screen clip of "Kill Them Wherever You Find Them" YouTube video

474. The Paris Attackers Video was in French and Arabic, and was distributed via YouTube in versions with Arabic and English subtitles. The video featured video messages from the nine ISIS terrorists (now dead) who carried out the November 13, 2015 Paris Attack, and they recorded the messages in anticipation of the attack, to be released by ISIS after their deaths.

475. The Paris Attackers Video opens with an encrypted message, and then the following written message appears on the screen:

"The following are the final messages of the nine lions of the Caliphate who were sent forth from their dens to bring an entire country – France – to her knees. They raised the word of *tawhid* [monotheism] and lived the verses of the Koran by killing the infidels wherever they found them. And they continued to do so until their thirst for success was quenched with nothing other than their own blood."

476. The Paris Attackers Video next shows news footage from the Paris Attack, and includes a song with the following lyrics in French:

“Charronees, Bichat, Voltaire [names of Paris streets where attacks occurred] /my Kalashnikov is loaded / the civilians are unarmed / I am annihilating Frenchmen / It is [French Prime Minister] Valls who should be thanked . . . It is only for the sake of Allah that have we made this choice / killing with hearts full of joy / we will kill you without mercy . . .”

477. The first attacker to appear in the Paris Attackers Video is Abaaoud (a/k/a Abu Umar al-Baljiki), who speaks in French in front of an ISIS flag, a handgun, and an assault rifle.
478. The following is a screen clip from the Paris Attackers Video:



Figure 46 Screen clip from The Paris Attackers YouTube video

479. After Abaaoud, the Paris Attackers Video shows seven of the attackers in succession, dressed in identical battle fatigues, each delivering a message and then executing a captive. Five of these seven terrorists, Amimour (a/k/a Abu Qital al-Faransi), Agged (a/k/a Abu Fu'ad al-Faransi), Hadfi (a/k/a Abu Mujaed al-Baljiki), Akrouh (a/k/a Dhul-Qarayn al-Baljiki), and Mostefai (a/k/a Abu Rayyan al-Faransi), are shown executing captives by beheading them with a knife. The other two attackers, Iraqi ISIS members identified as Ukash al-Iraqi and Ali al-Iraqi, make a joint statement in Arabic, and are shown executing captives by shooting them in the back of the head.

480. Lastly, the ninth attacker in the Paris Attackers Video is Abaaoud's brother, Brahim, who is shown in a different setting performing target practice, but he does not give a statement or execute a prisoner in the video.

481. On February 6, 2016, ISIS released the eighth issue of its online French-language magazine *Dar al-Islam*, with Abaaoud's picture on the cover as shown here:



Figure 47 *Dar al-Islam* Issue 8

482. ISIS's *Dar al-Islam* Issue 8 was predominately dedicated to the Paris Attack, and included an editorial on the attack, as well as testaments of three of the Paris attackers: Abaaoud (a/k/a Abu Umar al-Baljiki); Mostefai (a/k/a Abu Rayyan al-Faransi); and Hadfi (a/k/a Abu Mujahid al-Baljiki).

483. The following are pictures of Abaaoud, Mostefai, and Hadfi from *Dar al-Islam* Issue 8:



Figure 47 Photographs from *Dar al-Islam* Issue 8

484. *Dar al-Islam* Issue 8 also included a graphic multi-page photo montage of the attackers preparing for the attack, featuring pictures from the January 2016 video "Kill Them Wherever You Find Them."

485. The following is a copy of the introductory page to the photo montage:

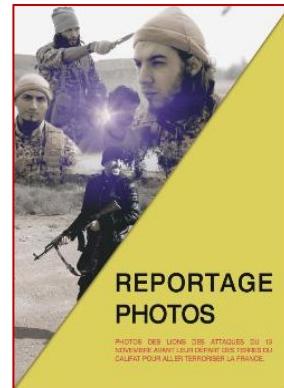


Figure 47 Photograph from Dar al-Islam Issue 8

486. In April 2016, ISIS used YouTube to release a video titled “An Appropriate Recompense,” that tied the Paris Attack to a subsequent mass-casualty terrorist attack carried out by ISIS in Brussels, Belgium on March 22, 2016, and featured two Belgian ISIS fighters warning of more attacks.

487. The following are screen clips from the ISIS “An Appropriate Recompense” video:



Figure 48 Screen clip from ISIS “An Appropriate Recompense” Video

488. ISIS also used YouTube to post another video following the Brussels attacks titled, “And Cast Terror Into Their Hearts,” featuring Belgian ISIS leader Hicham Chaib (“Chaib”), also known as Abu Hanifa Al-Baljiki, who had succeeded Belkacem as the leader of Sharia4Belgium after Belkacem’s arrest.

489. The following is an ISIS graphic promoting the “And Cast Terror Into Their Hearts” video:



Figure 49 ISIS graphic

490. The video showed scenes from the attacks set to ISIS *nasheed* chanting music and statements from ISIS terrorists.

491. In the video, Chaib called the attacks a natural reaction to Belgium's attacks on Muslims and Islam, and warned that ISIS will continue targeting its enemies on their own soil if the war against it continues.

492. The following is a screen clip from the video showing Chaib:



Figure 50 Screen clip from ISIS video

493. At the end of the video, Chaib is shown executing an ISIS captive.

494. On April 13, 2016, ISIS released the fourteenth issue of its online English-language magazine *Dabiq*.

495. ISIS's *Dabiq* Issue 14 praised the Brussels Attack and presented profiles of the three ISIS suicide terrorists who carried it out: Laachraoui (a/k/a Abu Idriss al-Baljiki); Bakraoui (a/k/a Abu Sulayman al-Baljiki); and Khalid (a/k/a Abu Walid al-Baljiki).

496. ISIS's *Dabiq* Issue 14 also credited Laachraoui for preparing the explosives for both the Paris Attack and the Brussels attacks, and presented a profile of Belkaid (a/k/a Abu Abdil-Aziz al-Jaza'iri), who was also involved in the Paris Attack.

497. The following is a copy of a page from ISIS's *Dabiq* Issue 14:

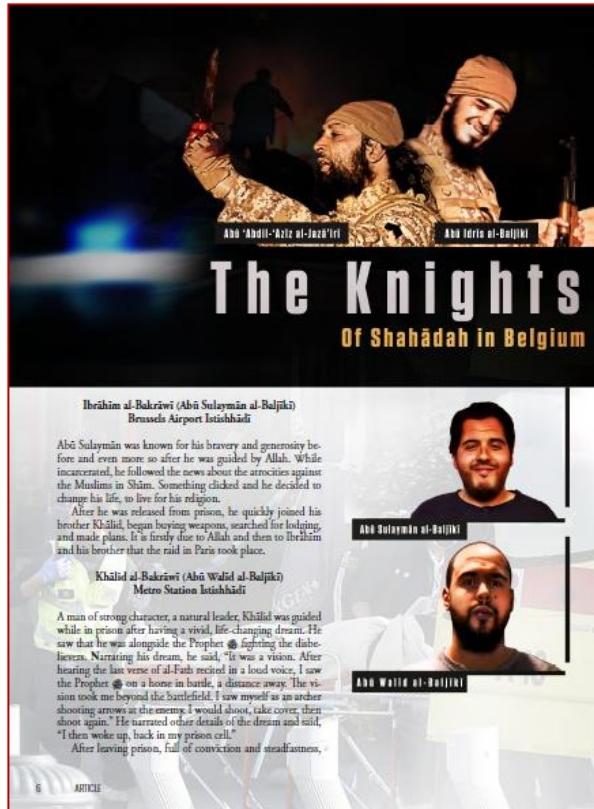


Figure 51 Photographs from ISIS's Dabiq Issue 14

V. MANDY PALMUCCI

498. In the fall of 2015, Mandy Palmucci, an internet technology consultant, vacationed to Nice, France, to run a marathon. Afterwards, she spent a couple of days in Paris with her two sisters.

499. Below is a photograph of Mandy Palmucci in Paris the day before the deadly attacks:



Figure 52 Photograph of Mandy Palmucci

500. On November 13, 2015, at around 8:30PM, Mandy, her two sisters, and the sister of one of her friends went to a restaurant on the Rue de Charonne, Clamato, and requested a table for dinner. While they waited for their reservation, they walked to La Belle Équipe down the street to have a drink and enjoy the evening, sitting on the patio.

501. Tragically, at around 9:36PM, as Mandy and her sisters were about to depart for dinner, three ISIS terrorists, Abaaoud, Brahim, and Akrouh, arrived in a black Seat Leon car, approached the La Belle Equipe café, and began spraying bullets at the people at the café.

502. As the bullets flew around her, Mandy dropped to the ground and linked arms with her companions. With each shot, she felt them shake. She described that she thought they were being hit with bullets because their bodies were jerking.

503. The terrorists shot at the patrons outside of La Belle Équipe for 90 seconds, with a 20-second pause to reload before they resumed shooting. Mandy recounts that to this day, she still

remembers the screams. The terrorists continued to shoot for another 60 seconds before getting back in their car and continuing on their terrorist plot.

504. In the deadliest attack of any of the bars or café's that night, ISIS terrorists murdered 19 people at the LaBelle Equipe café.

505. While Mandy survived the deadly terror attack at the LaBelle Equipe café, suffered, and will continue to suffer, severe psychological and emotional harm.

VI. DEFENDANT'S CONDUCT

A. Twitter, Facebook, and Google Profit From Allowing ISIS to Use Their Services

506. Astonishingly, Defendants routinely profit from ISIS. Each Defendant places ads on ISIS postings and derives revenue for the ad placement.

507. These ads are not placed randomly by Defendants. Instead, they are targeted to the viewer using knowledge about the viewer as well as information about the content being viewed. The following sites for each Defendant show how targeting works:

<https://business.Twitter.com/en/targeting.html>,

<https://www.facebook.com/business/a/online-sales/ad-targeting-details>,

<https://static.googleusercontent.com/media/www.youtube.com/en//yt/advertise/medias/pdfs/targeting-onesheeter-en.pdf>.

508. By specifically targeting advertisements based on viewers and content, Defendants are no longer simply passing through the content of third parties. Defendants are themselves creating content because Defendants exercise control over what advertisement to match with an ISIS posting. Furthermore, Defendants' profits are enhanced by charging advertisers extra for targeting advertisements at viewers based upon knowledge of the viewer and the content being viewed.

B. Defendants Knowingly Provided Material Support and Resources to Terrorists, Including ISIS and its Supporters

509. ISIS's reputation as an organization that has engaged in and continues to engage in terrorist acts is widespread and has been reported in the world news media.

510. ISIS's designation as a Foreign Terrorist Organization is public knowledge that has likewise been widely reported in the world news media.

511. At all times relevant to this Complaint, Defendants have known that ISIS is an organization that has engaged in and continues to engage in terrorist activity.

512. At all times relevant to this Complaint, Defendants have known that ISIS is designated as a Foreign Terrorist Organization.

513. Despite this knowledge, Defendants have for years knowingly provided its Services to ISIS, its members, organizations owned or controlled by ISIS, and organizations and individuals that provide financing and material support to ISIS, including individuals and organizations that are designated as and SDGTs.

514. ISIS, its members, and its related entities and affiliates have operated numerous accounts on Defendants' platforms, often using their own names and displaying emblems and symbols associated with ISIS and its related terrorist entities.

515. ISIS's news and media organizations have operated accounts across each of Defendants' platforms, often including separate accounts for Arabic, French, English and other languages.

516. Through Defendants' services, Defendants make potential ISIS recruits, ISIS members, and ISIS leaders, available to other ISIS operatives, thus providing personnel to ISIS itself.

517. Prior to the Paris Attack, Defendants refused to actively monitor its online social media networks, including Facebook, Twitter, and YouTube, to block ISIS's use of Defendants'

Services. Instead, Defendants knowingly permitted ISIS and ISIS's members and affiliates to use Defendants' platforms and other services, and generally only reviewed ISIS's use of its Services in response to third party complaints.

518. Even when Defendants have received complaints about ISIS's use of their platforms and other services, despite knowing that ISIS is a designated FTO and that ISIS has engaged in terrorist activity, Defendants have at various times determined that ISIS's use of its Services did not violate Defendants' policies and permitted ISIS-affiliated accounts to remain active, or removed only a portion of the content posted on an ISIS-related account and permitted the account to remain active.

519. While Defendants suspended or blocked selected ISIS-related accounts at various times, prior to the Paris attack, Defendants did not make substantial or sustained efforts to ensure that ISIS would not reestablish the accounts using new identifiers.

520. Terrorists have used YouTube to promote and support their activities for years.

521. In 2008, a member of a prominent *jihadi* website forum began to call on Islamist terrorists to begin using Facebook as a tool for terrorism; in making the case for Facebook, the member argued: "We have already had great success in raiding YouTube."⁵¹

522. In December 2011, the Middle East Media Research Institute ("MEMRI") issued a report stating that it had determined that: "YouTube has emerged as one of the leading websites for online jihad. It has replaced – and surpassed – web sites administered by the jihadis themselves, which were previously the leaders in online jihadi efforts."

523. On February 26, 2013, members of the Home Affairs Committee of the U.K. House of Commons questioned Google/YouTube executive Sarah Hunter about *jihadi* terrorists' use of

⁵¹ Will McCants, "Invading Facebook: Theory and Practice," Jihadica.com (Dec. 17, 2008), <http://www.jihadica.com/invading-facebook-theory-and-practice/>.

YouTube to promote terrorism, and particularly focused on *al-Qaeda* leader Anwar Al-Awlaki, whose video speeches (known to have inspired multiple terrorist attacks in the West) proliferate on YouTube.

524. The Google representative admitted that she had seen some of al-Awlaki's videos on YouTube, but acknowledged that Google did not actively guard against terrorists' use of the YouTube platform and services.

525. Rather, the Google representative testified that Google only reviews a video posted on YouTube if it receives a complaint from a YouTube user, and then Google will decide whether to block or remove the video if a Google reviewer determines that it violates Google's own content policies.

526. The media has widely reported on terrorists' use of YouTube and Google's refusal to take any meaningful action to stop it.

527. For example, on July 7, 2014, CBS Local reported that "militants post beheading videos on sites like Google's YouTube, giving an image the chance to go viral before being shut down."⁵²

528. In February 2015, Google announced that it had begun hiring Arabic speakers to serve as "moderators" to review videos posted to YouTube in the event complaints are received about particular posts.

529. However, Google reiterated that it would only review a video after a complaint is received, and it would then make a determination to block or delete the video based upon its own content policies.

⁵² "Should Twitter, Facebook Be Held Liable For A Terrorist Attack? (Jul. 24, 2015), <http://sanfrancisco.cbslocal.com/2015/07/24/should-twitter-facebook-be-held-liable-for-a-terrorist-attack/>.

530. In some cases, rather than block or remove terrorist videos, Google will place an age restriction on a YouTube video, requiring a viewer to log-in to YouTube and claim to be at least 18 years-of-age before viewing it.

531. On March 3, 2015, CNN Money reported that Google was placing advertisements in front of ISIS videos posted on YouTube.⁵³

532. On March 10th 2015, DeathandTaxes.com released an article titled, “Beer ads keep showing up on ISIS YouTube videos.”⁵⁴

533. On March 10th 2015, NBC News released an article titled, “Ads Shown Before YouTube ISIS Videos Catch Companies Off-Guard.”⁵⁵

534. On March 11, 2015, NewsMediaRockstars reported that: “Major corporations like Procter and Gamble, Anheuser-Busch, and Toyota have all been forced to make apologies after ads for their products started rolling in front of ISIS recruiting videos which have been cropping up ever more frequently on the [YouTube] site.”⁵⁶

535. On April 28, 2015, MusicTechPolicy.com reported that the Islamic State has released a new YouTube video “showcasing recent battles in the Al Sufiyah area of eastern Ramadi.

⁵³ Laurie Segall, “These ads ran before ISIS videos,” CNN Money (Mar. 3, 2015), <http://money.cnn.com/2015/03/03/technology/isis-ads-youtube/>.

⁵⁴ Joe Veix, “Beer ads keep showing up on ISIS YouTube videos,” Deathandtaxes.com (Mar. 10, 2015), <http://www.deathandtaxesmag.com/239510/beer-ads-keep-showing-up-on-isis-youtube-videos/>.

⁵⁵ See <http://www.nbcnews.com/storyline/isis-terror/ads-shown-isis-videos-youtube-catch-companies-guard-n320946>.

⁵⁶ Evan DiSimone, “Advertisers Apologize For Ads Shown On ISIS YouTube Videos,” NewMediaRockstars (Mar. 11, 2015), <http://newmediarockstars.com/2015/03/advertisers-apologize-for-ads-shown-on-isis-youtube-videos/>.

(footnote continued)

Approximately 30 Iraqi police have been killed and around 100 more have been injured in recent days in the western provincial capital.”⁵⁷

536. On August 6, 2015, Vladimir Platov of New Eastern Outlook reported: “The well-known online video platform YouTube serves as the main media platform of these radical fighters.”⁵⁸

537. In March 2016 the Digital Citizens’ Alliance issued a report documenting a number of examples of presidential election campaign ads placed on ISIS videos, including a Ted Cruz ad appearing before a video produced by ISIS’s *al-Hayat* Media.⁵⁹

538. Google claims to work with various governments around the world to ensure that its services do not violate local law.

539. However, most often Google decides whether or not to close an account or remove illegal content based upon Google’s own content standards or criteria rather than applicable legal requirements.

540. Accordingly, Google has purposely denied or refused government requests remove ISIS accounts and videos from YouTube.

541. In addition, Google has purposely refrained from, or delayed, notifying government authorities of ISIS and other terrorist accounts and content on its Platform.

⁵⁷ Chris Castle, “Live From YouTubeistan: Google Still Providing Material Support for ISIS,” MusicTechnologyPolicy.com (Apr. 28, 2015), <https://musictechpolicy.com/2015/04/28/live-from-youtubeistan-google-still-providing-material-support-for-isis/>.

⁵⁸ Vladimir Platov, “Hi-Tech Tools of ISIL Propaganda,” New Eastern Outlook (Aug. 6, 2015), <http://journal-neo.org/2015/06/08/hi-tech-tools-of-isil-propaganda/>.

⁵⁹ “Fear, Loathing, and Jihad: How YouTube is pairing the 2016 candidates with the creepy, the corrupt, and the criminal,” Digital Citizens’ Alliance (Mar. 2016), <https://media.gractions.com/314A5A5A9ABBBBC5E3BD824CF47C46EF4B9D3A76/cbb90db1-b1aa-4b29-a4d5-5d6453acc2cd.pdf>.

542. Google has established an office in Ireland, which has primary responsibility for reviewing and responding to complaints about violations of Google’s “Community Standards” in Europe, the Middle East, and Africa, including determining whether and what action to take in response to complaints concerning ISIS’s use of YouTube in the Middle East.

C. Defendants Provided Commercial Services, Financial Benefits and Incentives to ISIS

543. Google’s Platform provides users with the option to participate in Google’s advertising business and to share in the revenue generated from selling advertisements to be placed on the user’s YouTube channel and with the user’s video content.

544. Google derives revenue from ads placed on YouTube, including the ads placed before ISIS videos posted on YouTube.

545. Google does not place ads on YouTube randomly; rather, they are targeted to the viewer using based upon algorithms that analyze and use data about the ads, the user, and the video posted.⁶⁰

546. By specifically targeting advertisements based on viewers and content, Google is no longer simply passing through the content of third parties; rather, Google is itself creating content because it exercises control over what advertisement to match with an ISIS video posting on YouTube.

547. Moreover, Google’s revenue is enhanced by charging advertisers extra for placing targeted advertisements.

548. In addition, Google agrees to shares a percentage of the revenue it generates from ads placed before YouTube videos with the user who posts the video.

⁶⁰ See Google’s description of targeted ads on YouTube at: <https://static.googleusercontent.com/media/www.youtube.com/en/yt/advertise/medias/pdfs/targeting-onesheeter-en.pdf>.
(footnote continued)

549. As the following YouTube instructions indicate, in order for advertisements to appear associated with a user's YouTube video, the user must create a Google "AdSense" account and register the account for "monetization"⁶¹:

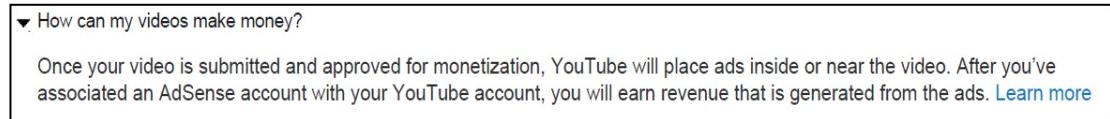


Figure 53 Screen clip from Google

550. AdSense is a Google commercial service that sells advertising to appear on the Google Platform, including YouTube.

551. According to Google's instructions, each YouTube video must be reviewed and approved by Google before Google will permit advertisements to be placed with that video:



Figure 54 Screen clip from Google

552. Google represents that videos must meet Google's policies and terms before they will be approved for advertisements.

553. Upon information and belief, Google has reviewed and approved ISIS videos, including videos posted by ISIS-affiliated users, for "monetization" through Google's placement of ads in connection with those videos.

554. Upon information and belief, by thus approving ISIS videos, including videos by posted by ISIS-affiliated users, Google has agreed to share with ISIS and ISIS-affiliated users a percentage of revenues generated by these ads.

⁶¹ https://www.youtube.com/account_monetization, accessed on 5/24/2016.

555. Google uses the AdSense monetization program to earn revenue, and as an incentive to encourage users to post videos on YouTube.

556. By approving ISIS videos for monetization via AdSense, Google has provided a financial incentive and encouraged ISIS to post videos on YouTube.

557. The following is a screen shot example of Google placing targeted ads in conjunction with an ISIS video on YouTube. The video was created by ISIS and was posted by ISIS using a known ISIS account. On information and belief, the poster complied with YouTube's terms and conditions, as did YouTube. Thus, YouTube shared revenue with ISIS, the creator and poster of the video in violation of 18 U.S.C. §§ 2339A-B. By providing financial support to ISIS, Google contributed to the Paris attack because even if the money was not used directly on the Paris attack, the money could be used for other purposes freeing ISIS funds to be used in the Paris attack.

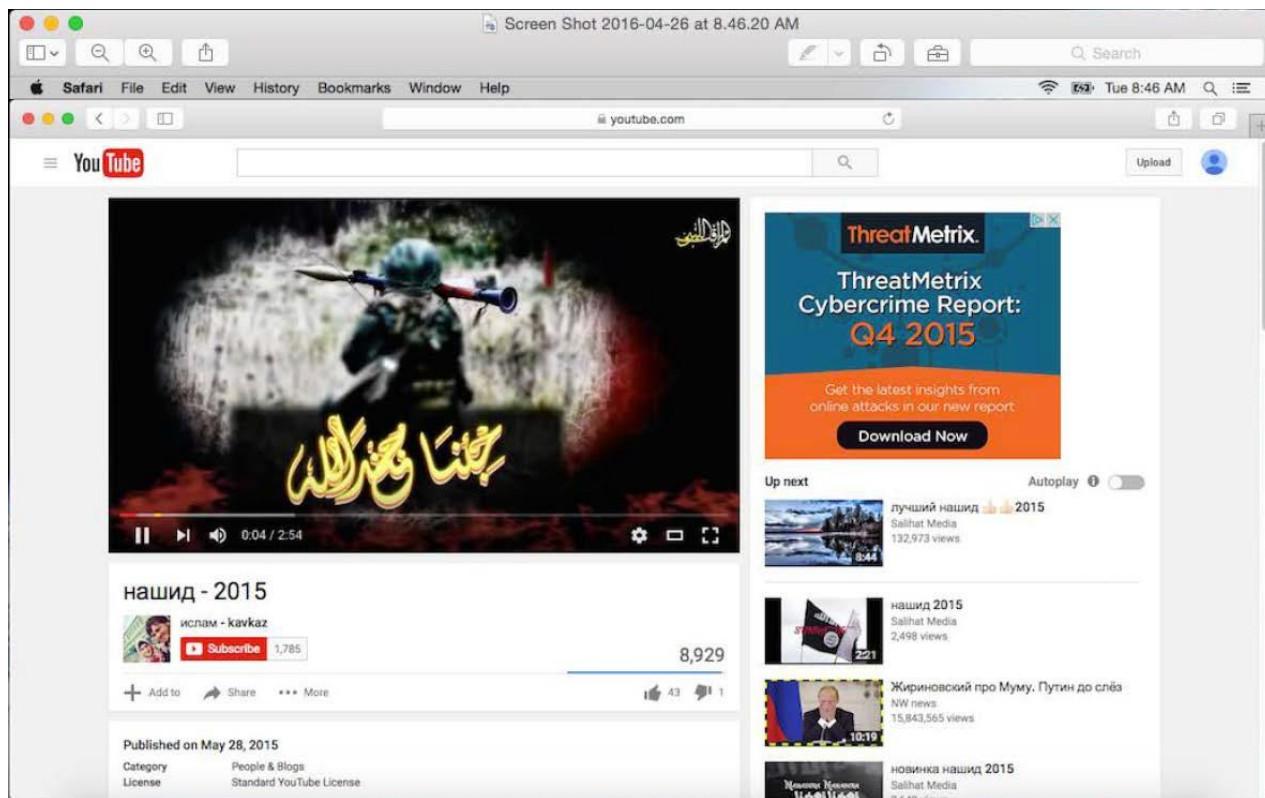


Figure 55 Screenshot Example of Ads on YouTube

558. Given that ad placement on videos requires Google's specific approval of the

video according to Google's terms and conditions, any video which is associated with advertising has been approved by Google.

559. Because ads appear on the above video posted by ISIS, this means that Google specifically approved the video for monetization, Google earned revenue from each view of this video, and Google shared the revenue with ISIS. As a result, Google provides material support to ISIS.

560. Twitter also profits from material posted by ISIS by routinely placing ads. For example, a view of the account of “DJ Nasheed” on May 17, 2016, shows that Twitter placed an ad for OneNorth for their “M.E.A.N. Stack” offering. As such, Twitter provides material support to ISIS and is compensated for the effort.

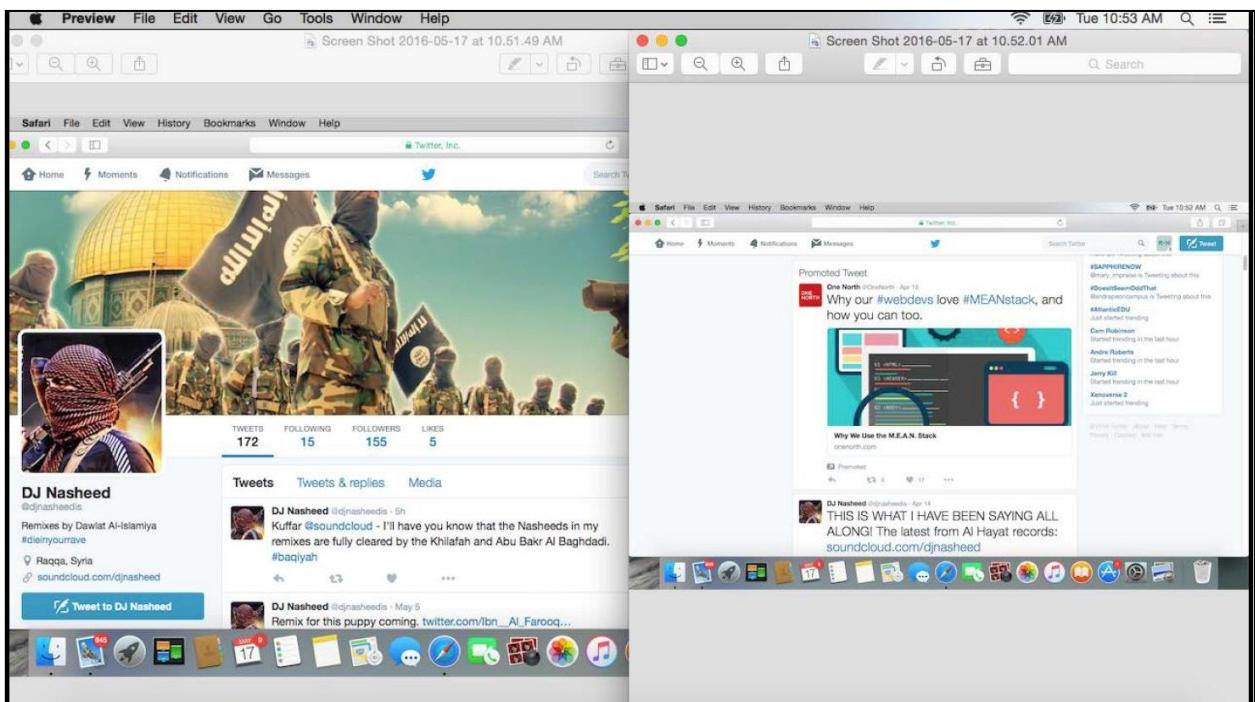


Figure 56 ISIS post on Twitter with ad placed by Twitter

561. Facebook also profits from ISIS postings. On May 31, 2016, the following screenshot was collected:



Figure 57 ISIS post on Facebook with add placed by Facebook

562. As such, Facebook provides material support to ISIS and is compensated for the effort.

563. Thus, not only does each Defendant provide material support to ISIS by allowing ISIS to make use of their social media sites, each Defendant derives revenue from ISIS postings irrespective of the content of ISIS's postings.

D. Defendants Are Information Content Providers

564. When individuals look at a page on one of Defendants' sites that contains postings and advertisements, that configuration has been created by Defendants. In other words, a viewer does not simply see a posting; nor does the viewer see just an advertisement. Defendants create a composite page of content from multiple sources.

565. Defendants create this page by selecting which advertisement to match with the content on the page. This selection is done by Defendants' proprietary algorithms that select the

advertisement based on information about the viewer and the content being. Thus there is a content triangle matching the postings, advertisements, and viewers.

566. Although Defendants have not created the posting, nor have they created the advertisement, Defendants have created new unique content by choosing which advertisement to combine with the posting with knowledge about the viewer.

567. For example, Google also recommends content to users based upon the content and what is known about the viewer.⁶² Google has recommended ISIS videos to users. Targeting content to users is not a traditional publishing function. By recommending ISIS videos to users, Google assists ISIS in spreading its message and thus provides material support to ISIS. The image below shows a video that was recommended to a user based upon other videos he had viewed in the past.⁶³

On information and belief, this is a common occurrence.



Figure 57 Screen clip from Google

⁶² See “How YouTube’s Suggested Videos Work,” *YouTube Creator Academy* (Aug. 30, 2017), <https://www.youtube.com/watch?v=E6pC6iql5xM>.

⁶³ Personal email from Eric Feinberg to Keith Altman dated October 29, 2016.

568. In addition, by specifically targeting advertisements based on viewers and content, Defendants are no longer simply passing through the content of third parties; rather, Defendants are themselves creating and developing content because they exercise control over what advertisement to match with an ISIS posting.

569. When individuals look at a page that contains postings and advertisements, that configuration has been created and developed by Defendants. In other words, a viewer does not simply see the posted content; nor does the viewer see just an advertisement. Rather, Defendants create and develop a composite page of content from multiple sources.

570. Defendants create and develop this page by selecting which advertisement to match with the posting on the page through its proprietary algorithms that select the advertisement based on information about the viewer and the posting. Thus there is a content triangle matching the videos, advertisements, and viewers.

571. As discussed above, Defendants tout the ability to target advertisements as a benefit to advertising with the respective networks. Furthermore, Defendants extract a premium from advertisers for the use of targeted advertising. The ability to target advertising based upon what is known about the viewer and what the viewer is looking at is not a traditional publishing function and did not exist until long after 1996.

572. Although Defendants have not created the posted content, nor has it created the advertisement, Defendants have created new unique content and developed the content by choosing which advertisement to combine with the posted video with knowledge about the viewer.

573. Thus, Defendants' active involvement in combining certain advertisements with certain postings for specific viewers means that Defendants are not simply passing along content created by third parties; rather, Defendants have incorporated ISIS postings along with

advertisements matched to the viewer to create new content for which Defendants earn revenue, and thus providing material support to ISIS.

E. Defendants' Platforms and Other Services are Unique

574. Defendants' platforms and other services are provided to users via Defendants' unique computer architecture.

575. Defendants provide functionality to those posting content to see that their content is recommended by Defendants. This functionality is not a traditional publishing function.

576. Whenever a Twitter, Facebook, or YouTube user posts content on Twitter, Facebook, or YouTube, Defendants' computer servers receive the information and distribute it to the Twitter, Facebook, or YouTube user's network of Twitter "followers," Facebook "friends," or YouTube channel "subscribers."

577. The posted content also appears on Twitter's "Timeline," Facebook's "Newsfeed," or the YouTube user's YouTube channel page, and is available via Twitter, Facebook, or YouTube's platforms and search engines on the Internet, depending upon the user's privacy settings.

578. The video and other information that is input by a Twitter, Facebook, or YouTube user into Twitter, Facebook, or YouTube is also stored on Defendants' computer equipment as well as on Defendants' backup storage equipment.

579. Twitter, Facebook, and YouTube users' content, videos, and other information are hosted on Defendants' computer equipment.

580. Defendants enable users to connect and communicate with "followers," "friends," "subscribers," or with others via posts that can be in the form of a short message, a photo with a caption, sharing a web link or a news article from another website, or linking to other social media platforms.

581. Defendants' platforms' users also "like," "retweet," and "share" others' videos, thereby exposing these videos to new networks of viewers.

582. Defendants use computer algorithms to match content, videos, and accounts with similarities, so that similar Twitter, Facebook, or YouTube content, videos and accounts are suggested to a user or viewer when viewing a Twitter, Facebook, or YouTube account; in this way, users are able to locate other videos and accounts related to ISIS even if they do not know the correct identifier or if the original Twitter, Facebook, or YouTube account has been replaced by a new identifier.

583. Effectively, Defendants serve as a broker or matchmaker between like-minded people, introducing users to other users and videos that they will be interested in based on the video and account information and characteristics; these types of suggestions appear on the side margin of the user's Twitter, Facebook, or YouTube page, and in the case of YouTube, even automatically load and play when a selected video ends.

584. By providing Twitter, Facebook, and Google's YouTube platforms and other services to ISIS, Defendants are providing to ISIS use of unique computer architecture, computer servers, storage and communication equipment, highly-developed and sophisticated algorithms, and services that facilitate ISIS's ability to reach and engage audiences it could not otherwise reach as effectively.

585. As discussed above, Twitter, Facebook, and YouTube's usefulness to ISIS is not merely about content; ISIS uses Twitter, Facebook, and YouTube as tools to connect with others and promote its terrorist activity.

586. According to terrorism expert Gabriel Weinmann:

"YouTube's massive global audience ensures that jihadists can simultaneously aim at both potential recruits and targets for terrorism. As important as the videos themselves is YouTube's usefulness in facilitating social networking among jihadists. The ability to exchange comments about

videos and to send private messages to other users helps jihadists identify each other rapidly, resulting in a vibrant jihadist virtual community.”⁶⁴

F. Defendants Can Deny Services to ISIS But Refused to Do So

587. Defendants have tools by which it can identify, flag, review, and remove ISIS accounts.

588. In a January 2011 blog post entitled “The tweets Must Flow,” Twitter co-founder Biz Stone and Twitter General Counsel Alex Macgillivray wrote: “We don’t always agree with the things people choose to tweet, but we keep the information flowing irrespective of any view we may have about the content.”

589. On June 20, 2014, Twitter founder Biz Stone, responding to media questions about ISIS’s use of Twitter to publicize its acts of terrorism, said, “[i]f you want to create a platform that allows for the freedom of expression for hundreds of millions of people around the world, you really have to take the good with the bad.”

590. In September 2014, Twitter spokesperson Nu Wexler reiterated Twitter’s hands-off approach, telling the press, “Twitter users around the world send approximately 500 million tweets each day, and we do not monitor them proactively.” “The Twitter Rules” reiterated that Twitter “do[es] not actively monitor and will not censor user content, except in exceptional circumstances.” In February 2015, Twitter confirmed that it does not proactively monitor content and that it reviews only that content which is reported by other users as violating its rules.

591. Most technology experts agree that Defendants could and should be doing more to stop ISIS from using its social network. “When Twitter says, ‘We can’t do this,’ I don’t believe

⁶⁴ Gabriel Weinmann, “New Terrorism and New Media,” *Commons Lab of the Woodrow Wilson International Center for Scholars* (2014), https://www.wilsoncenter.org/sites/default/files/STIP_140501_new_terrorism_F.pdf.

that,” said Hany Farid, chairman of the computer science department at Dartmouth College. Mr. Farid, who co-developed a child pornography tracking system with Microsoft, says that the same technology could be applied to terror content, so long as companies were motivated to do so. “There’s no fundamental technology or engineering limitation,” he said. “This is a business or policy decision. Unless the companies have decided that they just can’t be bothered.”

592. According to Rita Katz, the director of SITE Intelligence Group, “Twitter is not doing enough. With the technology Twitter has, they can immediately stop these accounts, but they have done nothing to stop the dissemination and recruitment of lone wolf terrorists.”

593. Even when Defendants shut down an ISIS-linked account, they do nothing to stop it from springing right back up. According to the New York Times, the Twitter account of the pro-ISIS group Asawitiri Media has had 335 accounts. When its account @TurMedia333 was shut down, it started @TurMedia334. When that was shut down, it started @TurMedia335. This “naming convention — adding one digit to a new account after the last one is suspended — does not seem as if it would require artificial intelligence to spot.” Each of these accounts also used the same user photograph of a bearded man’s face over and over again. In the hours after the shooting attack in San Bernardino, California on December 2, 2015, @TurMedia335 tweeted: “California, we have already arrived with our soldiers. Decide how to be your end, with knife or bomb.”

594. Using this simplistic naming scheme is critical to ISIS’s use of social media. Without a common prefix, it would be difficult for followers of ISIS accounts to know the new name of the account.

595. Because of the simplistic renaming scheme, Defendants could easily detect names that are likely to be replacement accounts and delete them almost as soon as they are created. Yet Defendants have failed to implement such a basic account detection methodology.

596. Furthermore, ISIS keeps track of the followers of each account. Once an account is deleted by one of the Defendants and then regenerated, ISIS uses a bot to contact each of its followers asking them to connect. This allows ISIS to reconstitute the connections for each account very quickly. Defendants could easily detect such activity but chose not to.

597. Although Defendants proclaim that they do take accounts down including those of ISIS, Defendants do nothing to keep those accounts down. ISIS and other nefarious groups are dependent upon having a social media network from which to collect money and conduct terrorist operations including recruitment and radicalization.

598. The following example illustrates how Defendants allow ISIS to quickly construct networks of followers. Below is a posting from Twitter captured on June 20, 2016. The individual is named “DriftOne00146” and he proudly proclaims that this is the 146th version of his account. With only 11 tweets, this individual is followed by 349 followers. This is very suspicious activity.

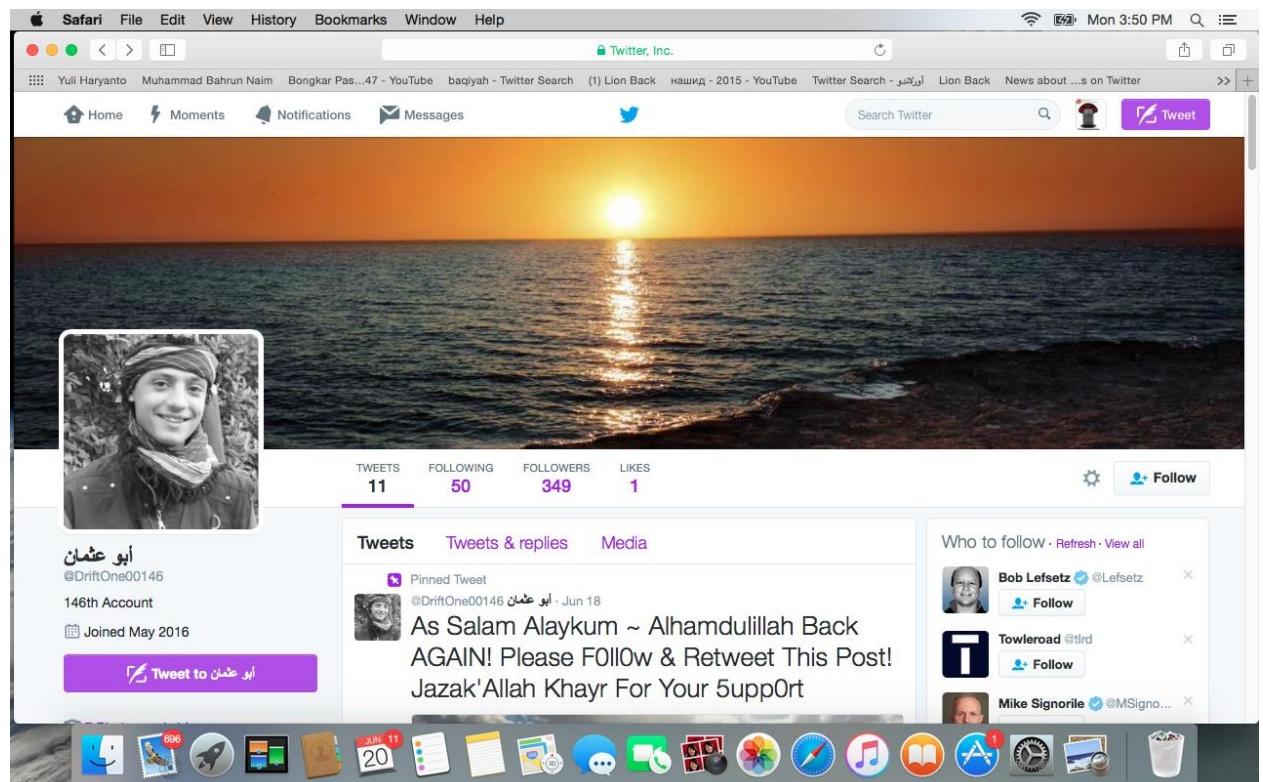


Figure 58: DriftOne00146 posting 06/20/2016

599. The very next day, this individual now has 547 followers with only 3 additional tweets.



Figure 59: DriftOne00146 posting June 21, 2016

600. The next morning, this individual's account was taken down by Twitter. That afternoon, he was back up as DriftOne0147 with 80 followers.

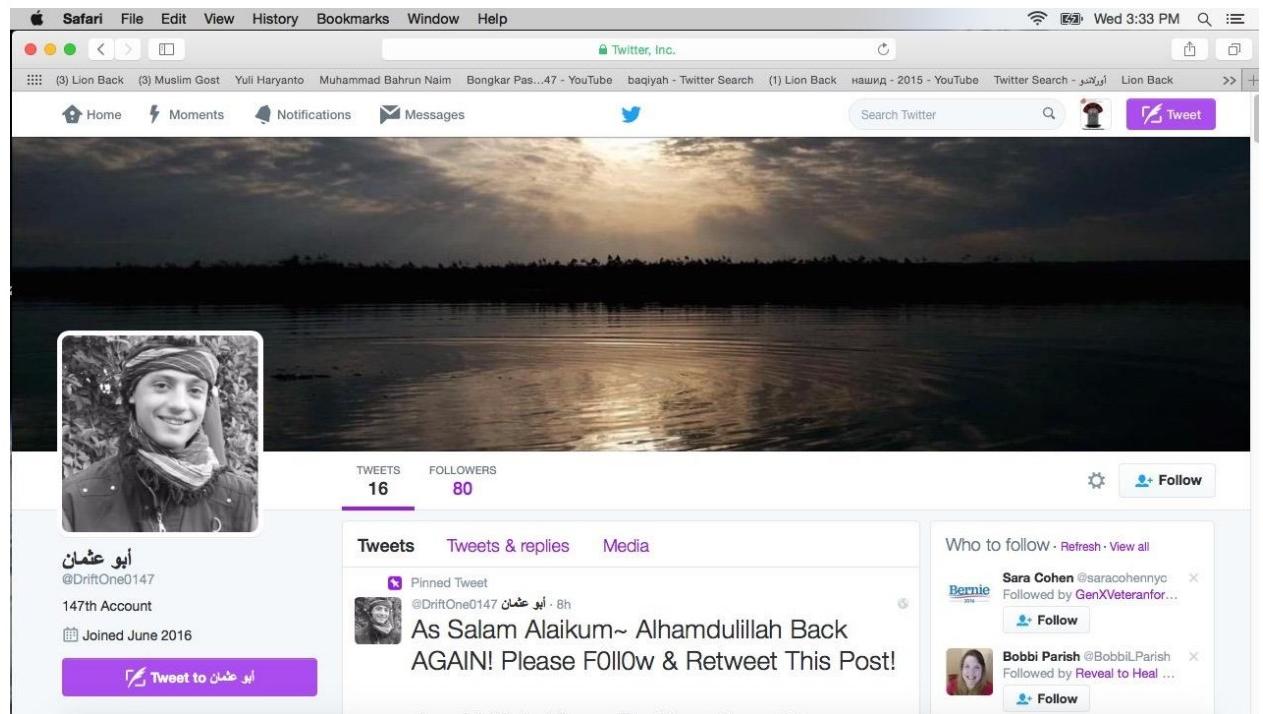


Figure 60: DriftOne0147 posting June 22, 2016

601. The very next week on June 28, 2016, the same individual was back up as DriftOne150. Most disturbing is that his posting of #Bangladesh and #Dhaka just three days before the unfortunate ISIS attack in Dhaka, Bangladesh.

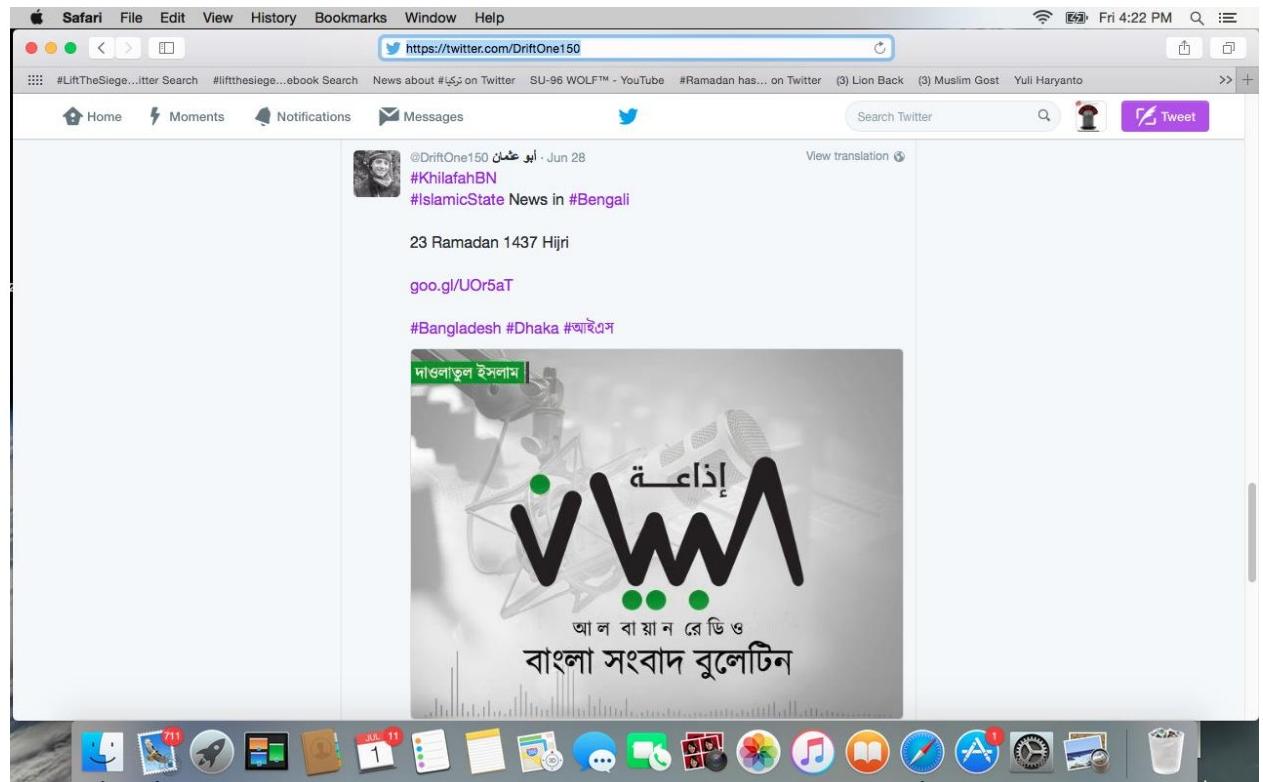


Figure 61: DriftOne150 posting June 28, 2016

602. The day after the attacks, he is now DriftOne0151 and he posts pictures of those individuals who conducted the attacks.

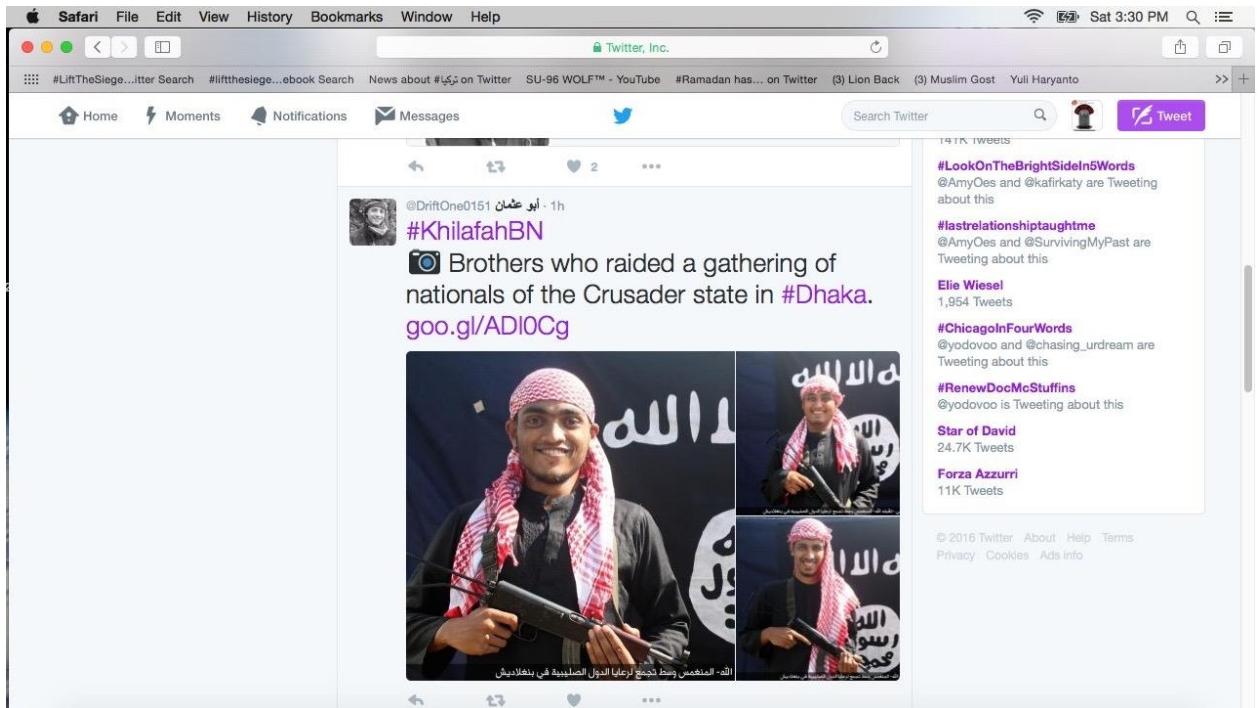


Figure 62: DriftOne0151 posting July 2, 2016

603. What the above example clearly demonstrates is that there is a pattern that is easily detectable without reference to the content. As such, a content-neutral algorithm could be easily developed that would prohibit the above behavior. First, there is a text prefix to the username that contains a numerical suffix. When an account is taken down by a Defendant, assuredly all such names are tracked by Defendants. It would be trivial to detect names that appear to have the same name root with a numerical suffix which is incremented. By limiting the ability to simply create a new account by incrementing a numerical suffix to one which has been deleted, this will disrupt the ability of individuals and organizations from using Defendants' networks as an instrument for conducting terrorist operations.

604. Prohibiting this conduct would be simple for Defendants to implement and not impinge upon the utility of Defendants' sites. There is no legitimate purpose for allowing the use of fixed prefix/incremental numerical suffix names. Preventing the use of these names once a similarly named account would not place a significant burden on Defendants to implement nor

would it place any “chilling” effect on the use of Defendants’ sites.

605. Sending out large numbers of requests to connect with friends/followers from a newly created account is also suspicious activity. As shown in the “DriftOne” example above, it is clear that this individual must be keeping track of those previously connected. When an account is taken down and then re-established, the individual then uses an automated method to send out requests to all those members previously connected. Thus, accounts for ISIS and others can quickly reconstitute after being deleted. Such activity is suspicious on its face.

606. Clearly, it is not normal activity for a newly created account to send out large numbers of requests for friends and followers immediately after creation. It is further unusual for those connections requests to be accepted in a very short period of time. As such, this activity would be easy to detect and could be prohibited by Defendants in a content-neutral manner as the content is never considered; only the conduct.

607. Furthermore, limiting the rapidity with which a newly created account can send requests to friends/followers would not place a significant burden on Defendants to implement. Once again, such activity is suspicious and suggestive of reconstitution of an account which was deleted by Defendants. In addition, Defendants could easily track that a newly created account similarly named to one previously taken down is sending out large numbers of requests in a very short period of time.

608. Because the suspicious activity used by ISIS and other nefarious organizations engaged in illegal activities is easily detectable and preventable and that Defendants are fully aware that these organizations are using their networks to engage in illegal activity demonstrates that Defendants are acting knowingly and recklessly allowing such illegal conduct. ISIS is dependent on using social media to conduct its terrorist operations. Limiting ISIS’s ability to rapidly connect and reconnect to supports Thus, Defendants knowing and reckless conduct

provides materials support to ISIS and other nefarious organizations.

609. Notably, while Twitter has now put in place a rule that supposedly prohibits “threats of violence . . . including threatening or promoting terrorism,” many ISIS-themed accounts are still easily found on Twitter.com. To this day, Twitter also permits groups designated by the U.S. government as Foreign Terrorist Organizations to maintain official accounts, including Hamas (@hamasinfo and @HamasInfoEn) and Hezbollah (@almanarnews).

610. On November 17, 2015, the hacking group Anonymous took down several thousand ISIS Twitter accounts. That an external third party could identify and disrupt ISIS Twitter accounts confirms that Twitter itself could have prevented or substantially limited ISIS’s use of Twitter.

611. Although YouTube proclaims that it deletes accounts of those who run afoul of its policies, YouTube allows these accounts to be quickly regenerated. This account regeneration leaves signatures which could be easily detected by YouTube in a content independent manner. That YouTube allows ISIS to quickly regenerate deleted accounts when this practice could be eliminated or severely limited provides further evidence that YouTube provides material support to ISIS.

612. In August 2016, after a 12-month inquiry on countering extremism that included testimony from Google and other social media company executives, the U.K. House of Commons’ Home Affairs Committee issued a report titled “Radicalisation: the counter-narrative and identifying the tipping point.” (“U.K. Report”).⁶⁵

613. In the 2016 U.K. Report, the Home Affairs Committee found that:

⁶⁵ Home Affairs Committee, “Radicalisation: the counter-narrative and identifying the tipping point,” House of Commons (Aug. 25, 2016), <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/135/135.pdf>.

“The use of the internet to promote radicalisation and terrorism is one of the greatest threats that countries . . . face.

...

Social media companies are consciously failing to combat the use of their sites to promote terrorism and killings. Networks like Facebook, Twitter and YouTube are the vehicle of choice in spreading propaganda and they have become the recruiting platforms for terrorism. They must accept that the hundreds of millions in revenues generated from billions of people using their products needs to be accompanied by a greater sense of responsibility and ownership for the impact that extremist material on their sites is having. There must be a zero tolerance approach to online extremism, including enticement to join extremist groups or commit attacks of terror and any glorification of such activities... These companies are hiding behind their supranational legal status to pass the parcel of responsibility and refusing to act responsibly in case they damage their brands.”⁶⁶

VII. The Paris Attack Was An Act of International Terrorism

614. One of the stated goals of ISIS is to use social media including Defendants’ platforms to radicalize individuals to conduct attacks throughout the world, including the United States.

615. By radicalizing individuals through social media, this allowed ISIS to exert its influence without the necessity of direct physical contact with these individuals. Furthermore, this allows ISIS to incite or participate in attacks without the necessity of sending its own operatives.

616. Thus, an attack in Paris to which ISIS’s use of social media caused or contributed is an action by ISIS. Given that ISIS has been declared an international terrorist organization, such an action is an act of international terrorism.

617. The ISIS operatives involved in the Paris Attack were radicalized by ISIS’s use of social media. This was the stated goal of ISIS. The ISIS operatives then carried out the deadly attacks in Paris. Conducting terrorist acts via radicalized individuals is a stated goal of ISIS.

618. ISIS’s attack in Paris was a violent act causing death and injury and constitutes

⁶⁶ *Id.* at 11, 13-14 (original in bold).

numerous criminal acts under the laws of the United States.

619. ISIS intended to intimidate and coerce France's populations and governments through a pattern of intimidation and coercion as discussed throughout Plaintiff's Complaint.

620. ISIS acts from outside France using Defendants' platforms in a manner that transcends national boundaries because of the international usage of Defendants' platforms.

621. But for ISIS's postings using Defendants' social media platforms, the ISIS operatives would not have engaged in the Paris Attack.

622. The Paris Attacker's terrorist actions were a direct result of ISIS's actions and given that ISIS is an international terrorist organization, the Paris Attackers actions were also an act of international terrorism.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

**LIABILITY FOR AIDING AND ABETTING
ACTS OF INTERNATIONAL TERRORISM
PURSUANT TO 18 U.S.C. § 2333(a) and (d)**

623. Plaintiff repeats and realleges each and every allegation of the foregoing paragraphs as if fully set forth herein.

624. Since 2004, ISIS has been and continues to be, a designated foreign terrorist organization under section 219 of the Immigration and Nationality Act, 8 U.S.C. § 1189.

625. ISIS has committed, planned, or authorized activities that involved violence or acts dangerous to human life that are a violation of the criminal laws of the United States, or that would be a criminal violation if committed within the jurisdiction of the United States, including *inter alia* the prohibition on killing, attempting to kill, causing serious bodily injury, or attempting to cause serious bodily injury to U.S. citizens as set forth in 18 U.S.C. § 2332.

626. These activities committed, planned, or authorized by ISIS appear to have been, and were intended to: (a) intimidate or coerce the civilian populations of France, the United States, and other countries; (b) influence the policy of the Governments of France, the United States and other countries by intimidation or coercion; or (c) affect the conduct of the Governments of France, the United States and other countries by mass destruction, assassination, or kidnapping.

627. These activities committed, planned, or authorized by ISIS occurred entirely or primarily outside of the territorial jurisdiction of the United States and constituted acts of international terrorism as defined in 18 U.S.C. § 2331(1).

628. Plaintiff has been injured in her person by reason of the acts of international terrorism committed, planned, or authorized by ISIS.

629. At all times relevant to this action, Defendants knew that ISIS was a Foreign Terrorist Organization, that it had engaged in and continued to engage in illegal acts of terrorism, including international terrorism.

630. Defendants knowingly provided substantial assistance and encouragement to ISIS, and thus aided and abetted ISIS in committing, planning, or authorizing acts of international terrorism, including the acts of international terrorism that injured Plaintiff.

631. By aiding and abetting ISIS in committing, planning, or authorizing acts of international terrorism, including acts that caused Plaintiff to be injured in her person and property, Defendants are liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that Plaintiff has sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

SECOND CLAIM FOR RELIEF

LIABILITY FOR CONSPIRING IN FURTHERANCE OF ACTS OF INTERNATIONAL TERRORISM PURSUANT TO 18 U.S.C. § 2333(a) and (d)

632. Plaintiff repeats and realleges each and every allegation of the foregoing paragraphs as if fully set forth herein.

633. Defendants knowingly agreed, licensed, and permitted ISIS and its affiliates to register and use Defendants' sites and other services to promote and carry out ISIS's activities, including ISIS's illegal acts of international terrorism that injured Plaintiff.

634. Defendants were aware that U.S. federal law prohibited providing material support and resources to, or engaging in transactions with, designated foreign terrorist organizations and other specially designated terrorists.

635. Defendants thus conspired with ISIS in its illegal provision of Defendants' sites and equipment to promote and carry out ISIS's illegal acts of international terrorism, including the acts that injured Plaintiff.

636. By conspiring with ISIS in furtherance of ISIS's committing, planning, or authorizing acts of international terrorism, including acts that caused Plaintiff to be injured in her person and property, Defendants are liable pursuant to 18 U.S.C. § 2333(a) and (d) for threefold any and all damages that Plaintiff has sustained as a result of such injuries, and the costs of this suit, including attorney's fees.

THIRD CLAIM FOR RELIEF

PROVISION OF MATERIAL SUPPORT TO TERRORISTS IN VIOLATION OF 18 U.S.C. § 2339A AND 18 U.S.C. § 2333

637. Plaintiff repeats and realleges each and every allegation of the foregoing paragraphs as if fully set forth herein.

638. The online social media platform and communication services which Defendants knowingly provided to ISIS, including the use of Defendants' services, computers, and communications equipment, substantially assisted ISIS in carrying out its terrorist activities,

including recruiting, radicalizing, and instructing terrorists, raising funds, creating fear and carrying out attacks, among other things.

639. Through their actions, Defendants have also provided personnel to ISIS by making ISIS leaders, members, and potential new recruits available to each other and to ISIS.

640. These services, equipment, and personnel constituted material support and resources pursuant to 18 U.S.C. § 2339A, and they facilitated acts of terrorism in violation of 18 U.S.C. § 2332 that caused injuries to the Plaintiff.

641. Defendants provided these services, equipment, and personnel to ISIS, knowing that they were to be used in preparation for, or in carrying out, criminal acts including the acts that injured the Plaintiff.

642. As set forth more fully above, but for the material support and resources provided by Defendants, the attack that injured the Plaintiff would have been substantially more difficult to implement.

643. By committing violations of 18 U.S.C. § 2339A that have caused the Plaintiff to be injured in her person, business or property, Defendants are liable pursuant to 18 U.S.C. § 2333 for any and all damages that Plaintiff has sustained as a result of such injuries.

FOURTH CLAIM FOR RELIEF

PROVISION OF MATERIAL SUPPORT AND RESOURCES TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION IN VIOLATION OF 18 U.S.C. § 2339B(a)(1) AND 18 U.S.C. § 2333(a)

644. Plaintiff repeats and realleges each and every allegation of the foregoing paragraphs as if fully set forth herein.

645. By knowingly (or with willful blindness) providing their social media platforms and communication services, including use of computer and communications equipment, and personnel, for the benefit of ISIS, Defendants have provided material support and resources to a designated

Foreign Terrorist Organization under the Antiterrorism and Effective Death Penalty Act of 1996 in violation of 18 U.S.C. § 2339B(a)(1).

646. Defendants knew of (or were willfully blind to) ISIS's terrorist activities.

647. Defendants knew (or were willfully blind to the fact) that ISIS had been designated a Foreign Terrorist Organization by the United States Government.

648. The Services and support that Defendants purposefully, knowingly or with willful blindness provided to ISIS constitute material support to the preparation and carrying out of acts of international terrorism, including the attack in which the Plaintiff was injured.

649. Defendants' violation of 18 U.S.C. § 2339B proximately caused the damages to Plaintiff described herein.

650. By knowingly (or with willful blindness) providing material support to a designated Foreign Terrorist Organization, Defendants are therefore civilly liable for damages to Plaintiff for her injuries pursuant to 18 U.S.C. § 2333(a).

FIFTH CLAIM FOR RELIEF
NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS

651. Plaintiff repeats and realleges each of the foregoing allegations with the same force and effect as if more fully set forth herein.

652. Defendants engaged in negligent behavior by providing services to ISIS.

653. Defendants' acts of providing services to ISIS constituted a willful violation of federal statutes, and thus amounted to a willful violation of a statutory standard.

654. As a direct, foreseeable and proximate result of the conduct of Defendants as alleged hereinabove, Plaintiff has suffered severe emotional distress, and therefore Defendants are liable to the Plaintiff for Plaintiff's severe emotional distress and related damages.

SIXTH CLAIM FOR RELIEF

**CONCEALMENT OF MATERIAL SUPPORT AND RESOURCES
TO A DESIGNATED FOREIGN TERRORIST ORGANIZATION
IN VIOLATION OF 18 U.S.C. § 2339C(c) AND 18 U.S.C. § 2333(a)**

655. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as if fully set forth herein.

656. By knowingly concealing or disguising the nature, location, source, ownership, or control of material support or resources, knowing that the material support or resources were provided to ISIS in violation of 18 U.S.C. § 2339B, Defendants violated 18 U.S.C. § 2339C(c).

657. By concealing such material support and resources, Defendants enabled and prolonged ISIS's use of such material support and resources to carry out terrorist activities, including the acts of international terrorism that injured the Plaintiff.

658. Defendant's violation of 18 U.S.C. § 2339C(c) proximately caused the injuries to Plaintiff described herein.

659. By knowingly concealing material support or resources as described herein, Defendants are therefore civilly liable for damages to Plaintiff for her injuries pursuant to 18 U.S.C. § 2333(a).

SEVENTH CLAIM FOR RELIEF

**PROVISION OF FUNDS, GOODS, OR SERVICES TO OR FOR
THE BENEFIT OF SPECIALLY DESIGNATED GLOBAL TERRORISTS
IN VIOLATION OF EXECUTIVE ORDER NO. 13224,
31 C.F.R. Part 594, 50 U.S.C. § 1705, AND 18 U.S.C. § 2333(a)**

660. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as if fully set forth herein.

661. Defendants knowingly and willfully engaged in transactions with, and provided funds, goods, or services to or for the benefit of, Specially Designated Global Terrorists ("SDGTs"),

including ISIS, its leaders, and members, in violation of EO 13224, 31 C.F.R. Part 594, and 50 U.S.C. § 1705.

662. The actions of Defendants constituted acts of international terrorism as defined in 18 U.S.C. § 2331, and proximately caused Plaintiff's injuries.

663. Defendants are liable pursuant to 18 U.S.C. § 2333(a) for any and all damages that plaintiffs have sustained as a result of such injuries.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

- (a) Enter judgment against Defendants and in favor of Plaintiff for compensatory damages in amounts to be determined at trial;
- (b) Enter judgment against Defendants and in favor of Plaintiff for treble damages pursuant to 18 U.S.C. § 2333;
- (c) Enter judgment against Defendants and in favor of Plaintiff for any and all costs sustained in connection with the prosecution of this action, including attorneys' fees, pursuant to 18 U.S.C. § 2333;
- (d) Enter an Order declaring that Defendants have violated, and are continuing to violate, the Anti-Terrorism Act, 18 U.S.C. § 2331 et seq.; and
- (e) Grant such other and further relief as justice requires.

JURY DEMAND

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: February 14, 2018.

/s/ Antonio Romanucci

Romanucci & Blandin, LLC

Antonio M. Romanucci

Bryce T. Hensley

321 North Clark Street

Suite 900

Chicago, IL 60654

312-458-1000

aromanucci@rblaw.net

bhensley@rblaw.net

Attorney No. 6190290

Excolo Law, PLLC

Keith Altman (*pro hac vice to be applied for*)

Solomon Radner (*pro hac vice to be applied for*)

26700 Lahser Road, Suite 401

Southfield, MI 48033

516-456-5885

kaltman@excololaw.com

sradner@excololaw.com

1-800-LAWFIRM

Ari Kresch (*pro hac vice to be applied for*)

26700 Lahser Road, Suite 401

Southfield, MI 48033

516-456-5885

800-LawFirm

akresch@1800lawfirm.com

Attorneys for Plaintiff